

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 342

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*In Senate March 14, 1917.*

*Referred to Committee on Military Affairs and one thousand copies ordered printed. Sent down for concurrence.*

*W. E. LAWRY, Secretary.*

*Presented by Mr. Butler of Knox.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT to revise the Military Law.

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*Whereas*, owing to the present disturbed diplomatic relations, a revision of the Military Laws of Maine to conform with the requirements of the National Laws governing the Militia and National Guard is an emergency measure immediately necessary for the preservation of the public peace, health or safety, now, therefore,

*Be it enacted by the People of the State of Maine*, as follows:

Section 1. Composition of the Militia. The militia of the  
2 State of Maine shall consist of all able-bodied male citizens

3 of the state and all other able-bodied males who have or  
4 shall have declared their intention to become citizens of the  
5 United States, who shall be more than eighteen years of age,  
6 and, except as hereinafter provided, not more than forty-  
7 five years of age, and said militia shall be divided into three  
8 classes, the national guard, the naval militia, and the unor-  
9 ganized militia.

Sect. 2. Composition of the National Guard. The na-  
2 tional guard shall consist of the regularly enlisted militia  
3 between the ages of eighteen and forty-five years organized,  
4 armed, and equipped as hereinafter provided, and of com-  
5 missioned officers between the ages of twenty-one and sixty-  
6 four years.

Sect. 3. Exemption from Militia Duty. The Vice Presi-  
2 dent of the United States; the officers, judicial and execu-  
3 tive, of the Government of the United States and of the  
4 several states and territories; persons in the military or naval  
5 service of the United States; customhouse clerks; persons  
6 employed by the United States in the transmission of the  
7 mail; artificers and workmen employed in the armories, ar-  
8 senals, and navy yards of the United States; pilots; mariners  
9 actually employed in the sea service of any citizen or mer-  
10 chant within the United States, shall be exempt from militia  
11 duty without regard to age, and all persons who because of  
12 religious belief shall claim exemption from military service,  
13 if the conscientious holding of such belief by such person shall  
14 be established under such regulations as the President shall

15 prescribe, shall be exempted from militia service in a combat-  
16 ant capacity; but no person so exempted shall be exempt  
17 from militia service in any capacity that the President shall  
18 declare to be noncombatant.

Sect. 4. Enrollment of the Militia. All male citizens who  
2 are more than eighteen and less than forty-five years of  
3 age, excepting idiots, lunatics, paupers, vagabonds, habitual  
4 drunkards, and persons convicted of infamous crimes, and  
5 who are resident in this state, shall, whenever the governor  
6 may deem necessary, be enrolled by the assessors in the  
7 several cities, towns and plantations in which they reside, in  
8 such manner and according to such regulations as the gov-  
9 ernor shall prescribe. On such enrollment and opposite the  
10 name of each person who is exempt from duty under sec-  
11 tion three or who is serving in the active militia, or who is  
12 unable by reason of physical disability to perform military  
13 duty, the assessors shall write the word "exempt" and state  
14 in each case the cause of exemption. The assessors shall  
15 subscribe said list and make oath that the same is true to the  
16 best of their knowledge and belief; and shall file the same  
17 with the clerk of the city, town or plantation forthwith;  
18 and each clerk shall, within ten days, make a certified  
19 statement of the total number enrolled, the number marked  
20 exempt, the number belonging to the active militia and the  
21 number marked disabled, and forward the same to the of-  
22 fice of the adjutant general. Any person claiming exemp-  
23 tion shall satisfy the enrolling officer of his right thereto

24 and in case of doubt the burden of proof shall be upon the  
25 person claiming exemption, and the enrolling officer may  
26 require him to submit to examination on oath and may ad-  
27 minister such oath.

Sect. 5. Any person knowingly and wilfully refusing in-  
2 formation or giving false information to an assessor or  
3 other authorized person making the enrollment, respecting  
4 the name, age, residence, occupation, military service, physi-  
5 cal or mental condition, or other proper subject of inquiry,  
6 of himself or any person within his knowledge liable to be  
7 enrolled, shall for each such concealment, refusal, or giving  
8 of false information be guilty of a misdemeanor. The offi-  
9 cer making the enrollment shall, within ten days, report all  
10 persons violating this section to the adjutant general.

Sect. 6. Any assessor neglecting or refusing faithfully  
2 to perform the duties of enrolling officer as required by law,  
3 or making any false entry upon said rolls, or committing  
4 any other fraud therein, and any clerk neglecting to make  
5 and forward the statement required by section four, shall be  
6 guilty of a misdemeanor. Upon the failure of the assessors  
7 to make the enrollment of the militia as required by law, the  
8 governor may appoint some person to make it at the ex-  
9 pense of the city, town or plantation, and the person so ap-  
10 pointed shall have all the powers and be subject to the same  
11 duties as are prescribed in the case of assessors.

Sect. 7. Commander-in-Chief and Staff. The governor  
2 is the constitutional commander-in-chief of the militia, ex-

cept of such portions as may be at times in the service of the United States.

Sect. 8. The staff of the commander-in-chief shall consist of the adjutant general, who shall be ex-officio chief of staff, quartermaster general, and paymaster general with rank of brigadier general, the senior officer on duty with each of the staff departments, and four aides-de-camp, with the rank of captain, and one naval aide with rank of lieutenant. All officers must be at the time of their appointment, commissioned officers in the Maine national guard, on the active or retired list of or above the grade of captain, but no officers shall be appointed from the retired list who shall have had less than eight years of service in the active militia, the last year of which shall have been within ten years immediately preceding the appointment. The four aides-de-camp and naval aide may be detailed from the commissioned officers of the national guard or naval militia of the grade above specified, but officers so detailed shall not be relieved thereby from their regular duties in the national guard or naval militia except when on duty with the commander-in-chief. Officers of the staff of the commander-in-chief excepting the senior officer on duty in each of the staff departments and detailed aides-de-camp shall be appointed and commissioned by the governor and shall hold office during his pleasure and until their successors are appointed and qualified.

Sect. 9. Calling out the Militia. In case of insurrection, invasion, tumult, riot, mob, or body of men acting to-

3 gether by force with intent to commit a felony or to offer  
4 violence to persons or property, or by force and violence to  
5 break and resist the laws of this state, or the United States,  
6 or of imminent danger thereof, or in the event of public  
7 disaster resulting from flood, conflagration, or tempests,  
8 the governor shall have the power to order into the active  
9 service of the state any part of the national guard that he  
10 may deem proper. And whenever the national guard of this  
11 state or a part thereof is called forth under the constitution  
12 and laws of the United States, the governor shall, unless  
13 the order for the call specifies otherwise, order out for ser-  
14 vice the national guard or such part thereof as may be re-  
15 quired; and if the number available be insufficient he shall  
16 order out the unorganized militia or such part as may be  
17 necessary. The designations of organizations called into  
18 the service of the United States shall not, during such ser-  
19 vice, be given to new organizations.

Sect. 10. Whenever it shall be necessary to call into active  
2 service the unorganized militia, or any part thereof, the gov-  
3 ernor shall direct his order to the chief municipal officer of  
4 any city, town or plantation, who, upon the receipt of the  
5 same, shall proceed to draft by lot, as many of the unor-  
6 ganized militia or accept as many volunteers as are required  
7 by the governor, and shall forthwith forward to the adju-  
8 tant general a list of the persons so drafted or accepted as  
9 volunteers.

Sect. 11. Every member of the national guard ordered

2 out, and every member of the unorganized militia who vol-  
3 unteers or who is drafted and notified thereof, under the  
4 provisions of the preceding section, who does not appear at  
5 the time and place designated by his commanding officer, or  
6 the chief municipal officer, within twenty-four hours from  
7 such time, or who does not produce from a physician in good  
8 standing a sworn certificate of physical disability to so ap-  
9 pear, shall be deemed a deserter and dealt with as pre-  
10 scribed in the articles of war of the United States.

Sect. 12. Whenever any portion of the unorganized  
2 militia is called forth under the constitution and laws of  
3 the United States, the members thereof shall be immediate-  
4 ly mustered into the service for such period as the call may  
5 prescribe; and whenever any portion of such unorganized  
6 militia shall be ordered into the service of the state they  
7 shall be mustered into the service for such period as the gov-  
8 ernor may direct. Such unorganized militia, when so or-  
9 dered into active service shall have, as far as practicable,  
10 the same system of organization, equipment, training and  
11 discipline as are or may thereafter be prescribed for the na-  
12 tional guard. The governor shall have the power to appoint  
13 the officers for any new organizations formed out of said  
14 unorganized militia.

Sect. 13. Whenever any portion of the national guard  
2 is employed in aid of the civil authority, the governor, if in  
3 his judgment the maintenance of law and order will thereby  
4 be promoted, may by proclamation declare the county, city,



5 town or plantation in which the troops are serving or any  
6 specified portion thereof, to be in a state of insurrection.

Sect. 14. Whenever unorganized militia or the national  
2 guard, or both, or any number of them or either of them,  
3 shall be called forth under the constitution and laws of the  
4 United States, and the orders for that purpose shall not be  
5 issued to or transmitted through the governor of the state,  
6 any officer or officers of the militia or national guard receiv-  
7 ing such orders not so issued or transmitted shall communi-  
8 cate the same to the governor as soon as practicable.

Sect. 15. Whenever the President shall call forth the na-  
2 tional guard, or any number of them to be employed in the  
3 service of the United States, and specifies in his call the  
4 period for which such service is required, the national guard,  
5 so called, shall continue to serve during the term so specified,  
6 either within or without the territory of the United States,  
7 unless sooner relieved by order of the President; provided,  
8 that no enlisted man of the national guard shall be liable to  
9 service beyond the term of his existing enlistment.

Sect. 16. No member of the militia ordered into the active  
2 service of the state shall be liable civilly or criminally for  
3 any act done, or caused, ordered, or directed to be done, by  
4 him in furtherance of and while in the performance of his  
5 military duty. When an action or proceeding of any nature  
6 shall be commenced in any court by any person against any  
7 officer or enlisted man of the militia for any act so done, or  
8 caused, ordered, or directed to be done, all the expenses of

9 the defense of such proceeding or action, civil or criminal,  
10 including fees of witnesses for the defense, defendant's  
11 court costs, and all costs for transcripts of records and ab-  
12 stract thereof on appeal, shall be paid by the state, out of the  
13 military fund; and it shall be the duty of the attorney gen-  
14 eral either personally or by one or more assistants to defend  
15 such officer or soldier; provided, that where the action or  
16 proceeding is criminal the adjutant general shall designate a  
17 judge-advocate of the national guard to conduct the defense  
18 of such member, or if the services of a judge-advocate be  
19 not available, then he shall select some other competent at-  
20 torney to conduct such defense, and the judge-advocate or  
21 other attorney so selected shall receive and be paid out of  
22 the military fund a reasonable compensation for his profes-  
23 sional services. In any such action or proceeding the de-  
24 fendant may require the person instituting or prosecuting  
25 the same to file security for payment of costs that may be  
26 awarded the defendant, which costs if recovered in an ac-  
27 tion, the costs whereof have been paid out of the military  
28 fund shall be paid into the state treasury for the benefit of  
29 the military fund; and the defendant may, in every such  
30 action or proceeding, make a general denial and give the  
31 special matter in evidence.

Sect. 17. The Adjutant General. The adjutant general  
2 of the state shall have the rank of brigadier general, and  
3 shall be, ex-officio, chief of staff, quartermaster general, and  
4 paymaster general of the state. For the purpose of estab-

5 lishing the relation between the war department and the  
6 various staff departments of the state, he shall be the chief  
7 of said departments; and the requisitions, purchases, and  
8 issues to be made by the senior officer on duty in certain of  
9 said departments, as hereinafter prescribed, shall be made  
10 by them pursuant and in obedience to his directions and in  
11 structions.

(a) He shall control the military department subordinate  
2 only to the governor, and may adopt such methods of ad-  
3 ministration, not inconsistent with the laws, regulations, and  
4 customs of the service of the regular army so far as the  
5 same may be applicable, as he may deem necessary to ren-  
6 der the department efficient.

(b) He will superintend the preparation of all returns,  
2 reports, plans and estimates required of the state by the war  
3 department; and, on or before the thirty-first day of De-  
4 cember of each year, shall make a report to the governor of  
5 the strength and condition of the militia and of the busi-  
6 ness transactions of the department, including a detailed  
7 statement of expenditures for all military purposes.

(c) He shall be responsible for the care, preservation,  
2 and repair of all military property belonging or issued to  
3 the state for the arming and equipping of the militia; and  
4 he shall dispose of all military property of the state found  
5 unserviceable after a proper inspection, account for the pro-  
6 ceeds thereof, and deposit the same into the state treasury  
7 to the credit of the military fund.

(d) He shall cause to be turned in, in such manner as the  
2 war department may require, such ordnance, accoutrements  
3 and equipments belonging to the United States and receive  
4 in substitution therefor such prescribed regulation ordnance  
5 and equipment, as may be necessary to conform to the stand-  
6 ard required by the laws and regulations of the United  
7 States.

(e) He shall, under the direction of the governor, pre-  
2 pare requisitions for, and make purchases and issues of,  
3 such military property as is necessary to equip the organ-  
4 izations of the national guard according to the standard that  
5 is now or may be hereafter prescribed by the laws and reg-  
6 ulations of the United States, except such purchases and  
7 issues as are hereinafter required to be made by the United  
8 States property and disbursing officer or senior officers on  
9 duty in the other staff departments; he shall approve the  
10 bills of all purchases by whomsoever made and all issues;  
11 but no such property shall be issued, or otherwise disposed  
12 of, to persons or organizations other than those of the na-  
13 tional guard and portions of the unorganized militia called  
14 into active service.

(f) He shall keep a just and true account of all expenses  
2 necessarily incurred, including pay, transportation and sub-  
3 sistence of officers and enlisted men of the national guard  
4 and of all military property; and shall render annually to  
5 the governor a statement in detail showing the disposition  
6 of all clothing, ordnance, arms, ammunition, and other mili-  
7 tary property on hand and issued.

(g) He may, upon approval of the governor, sell for cash  
2 to officers of the national guard, for their official use, and  
3 to organizations of the national guard, any military or naval  
4 property which is the property of the state; and he shall  
5 with his annual report render to the governor a true account  
6 of the sales so made, and shall deposit the proceeds of the  
7 same in the state treasury to the credit of the military fund.

Whenever the adjutant general is absent from the state or  
2 is unable from any cause to perform his duties, the senior  
3 officer on duty in the adjutant general's department or an  
4 officer of the national guard present for duty in the state des-  
5 ignated by the governor shall during his absence or disa-  
6 bility perform the duties of the adjutant general.

Sect. 18. The adjutant general shall give a bond to the  
2 state, approved by the governor and council, in the sum of  
3 ten thousand dollars, conditioned on the faithful perform-  
4 ance of his duties as herein prescribed; and the costs and  
5 expenses incurred by entering into such bond shall be paid  
6 out of the military fund.

Sect. 19. Property and Disbursing Officer. The governor  
2 shall designate, subject to the approval of the secretary of  
3 war, an officer of the national guard who shall be regarded  
4 as property and disbursing officer for the United States.  
5 He shall receipt and account for all funds and property be-  
6 longing to the United States in the possession of the na-  
7 tional guard and shall make such returns and reports con-  
8 cerning the same as may be required by the secretary of

9 war. When, upon requisition of the governor, the secre-  
10 tary of war pays to the property and disbursing officer so  
11 much of the allotment out of the annual appropriation for  
12 the support of the national guard as may be necessary for  
13 the purposes enumerated therein, he shall render through  
14 the war department such accounts of federal funds entrust-  
15 ed to him for disbursement as may be required by the treas-  
16 ury department.

Sect. 20. The United States property and disbursing offi-  
2 cer shall under the direction of the adjutant general sign  
3 requisitions for, receipt for, and be responsible for the care,  
4 preservation and repair of all military property belonging  
5 to the United States issued for use of the national guard.  
6 He shall under such regulations as may be prescribed issue  
7 such United States property as may be necessary to arm,  
8 uniform and equip the several organizations of the national  
9 guard, according to the standard required by the laws and  
10 regulations of the United States.

Sect. 21. The property and disbursing officer shall give a  
2 bond to the United States, the amount thereof to be deter-  
3 mined by the secretary of war, for the faithful performance  
4 of his duties and for the safe-keeping and proper disposition  
5 of federal property and funds entrusted to his care and the  
6 costs and expenses incurred by entering into such bond shall  
7 be paid out of the military fund.

Sect. 22. Duties of the Administrative Staff. The in-  
2 spector general whenever ordered by the governor shall

3 make an inspection and a detailed report upon the armories,  
4 property, books, records, financial condition, and the vari-  
5 ous organizations of the active militia, and such other duties  
6 as the adjutant general may direct or the law require, and  
7 submit to the adjutant general a report of the transactions  
8 of his office by the fifteenth of December annually.

Sect. 23. The senior ordnance officer shall from time to  
2 time submit to the adjutant general requisitions for ord-  
3 nance property, equipment, and accoutrements and range  
4 and target material, which requisition when approved by  
5 the adjutant general, and submitted to and signed by the  
6 United States property and disbursing officer shall if they  
7 be for material issued to the state by the ordnance depart-  
8 ment be forwarded to that department for supply, and if  
9 they be for material not so issued, then by direction of the  
10 adjutant general and in the manner prescribed in section  
11 thirty-one, the senior ordnance officer shall purchase and  
12 direct the issue of such ordnance property and range ma-  
13 terial, certify all bills therefor as correct, and transmit them  
14 to the adjutant general.

He shall, when required or whenever he deems it neces-  
2 sary, report to the adjutant general upon the condition of  
3 the ordnance, arms and accoutrements on hand or issued  
4 to the national guard; he shall point out all deficiencies and,  
5 so far as he is vested with authority, he shall be responsible  
6 that all organizations are armed and equipped as prescribed  
7 or as may hereafter be prescribed by the war department.

He shall be the inspector of and shall exercise general supervision over the small-arms practice of the national guard. Whenever ordered by the governor it shall be his duty to make an inspection of all target ranges and shooting galleries used by the national guard, to submit a report to the adjutant general of the condition and necessities of each; and to make a detailed report of the transactions of his office to the adjutant general on the fifteenth day of December annually.

Sect. 24. The chief surgeon, under the direction of the adjutant general and in the manner prescribed in section thirty-one, shall purchase and direct the issue of all medical supplies and equipment not issued by the United States through the property and disbursing officer, certify all bills therefor as correct and transmit them to the adjutant general. It shall be his duty to make or cause to be made by an officer of the medical department an annual inspection and inventory of the stock of medical supplies on hand at general headquarters, to make a list of the articles and quantities needed to equip the national guard in the manner prescribed by the war department, and transmit the same to the adjutant general; and he shall make to the adjutant general a detailed report of transactions of his office and of the condition and quantity of medical supplies on hand, on the fifteenth day of December annually.

Sect. 25. The senior officer of the quartermaster corps shall, under the direction of the adjutant general, purchase



3 and issue in the manner prescribed in section thirty-one,  
4 such subsistence stores and property as are not issued by  
5 the United States, certify all bills therefor as correct and  
6 transmit them to the adjutant general; he shall make a de-  
7 tailed report of the transactions of his office to the adjutant  
8 general on the fifteenth day of December annually.

Sect. 26. The judge advocate shall be an attorney-at-law  
2 of the supreme judicial court of this state, of at least five  
3 years' standing. He shall be, under the direction of the  
4 governor, charged with the supervision of all things relat-  
5 ing to the administration of justice in the military forces  
6 of the state; he shall diligently scrutinize and examine the  
7 proceedings of all courts-martial and courts of inquiry  
8 which are submitted to him for review and report thereon  
9 to the adjutant general; he shall when directed act as judge  
10 advocate or recorder of any military court or board; he  
11 shall be the legal adviser of the military department, and  
12 to him may be referred for supervision all contracts, agree-  
13 ments, or other instruments to be drawn or executed in the  
14 course of the business thereof. He shall make a detailed  
15 report of the transactions of his office to the adjutant gen-  
16 eral on the fifteenth day of December annually.

Sect. 27. The attorney general of the state shall be the  
2 legal adviser of the governor, of the adjutant general, and  
3 of the armory commission.

Sect. 28. In time of war, insurrection, invasion or rebel-  
2 lion, or of imminent danger thereof, the governor may ap-

3 point such staff officers and create such chiefs of staff de-  
4 partments as may be necessary to provide for an increased  
5 national guard or to fill the vacancies caused by absence in  
6 active service, or for both purposes; provided, that appoint-  
7 ments in a staff department or corps shall be made from  
8 officers of the existing staff departments or corps as pro-  
9 motions so far as such officers are available; provided, also,  
10 that promotion in each staff department or corps and ap-  
11 pointments to fill vacancies thus created shall be made as  
12 hereinafter prescribed. Provided further, that in time of  
13 peace, whenever the formations of the national guard shall  
14 require it, the governor may organize such additional de-  
15 partments as are thereby made necessary, and whenever  
16 such new departments are organized the senior officer on  
17 duty with the new staff department shall be ex-officio a  
18 member of the governor's staff.

Sect. 29. Officers of all staff departments and corps shall  
2 perform the duties required of them by law, and such oth-  
3 ers, not inconsistent with the laws of the state, as corre-  
4 spond to those which are now or may hereafter be required,  
5 of the corresponding staff departments or corps of the reg-  
6 ular army by the customs of the service, the orders of the  
7 war department, and the laws and regulations of the United  
8 States

Sect. 30. Staff officers, including officers of the pay, in-  
2 spection, subsistence and medical departments, shall, when  
3 appointed, have had previous military experience and shall

4 hold their positions until they reach the age of sixty-four  
5 years, unless retired prior to that time by reason of resig-  
6 nation, disability or for cause to be determined by a court  
7 martial legally convened for that purpose, and all vacancies  
8 among said officers shall be filled by appointment from the  
9 officers of the national guard.

Sect. 31. Purchase of Military Property. Purchases of  
2 military property not exceeding one hundred dollars in value  
3 may be made in such manner as the purchasing officer may  
4 deem best. For other purchases not exceeding five hun-  
5 dred dollars, the purchasing officer shall procure written  
6 proposals from at least two parties. For purchases ex-  
7 ceeding five hundred dollars in value the purchasing officer  
8 shall publicly advertise, for not less than ten days, for sealed  
9 proposals, to be opened at the place, day and hour desig-  
10 nated in such advertisement. All bids must be accompanied  
11 with a certified check for ten per centum of the amount of  
12 the bid; and he may require the person contracting to give  
13 bond in such sum and surety as he may direct, conditioned  
14 for faithful performance, in default of which such bond  
15 shall be prosecuted by the attorney general, and all moneys  
16 recovered turned in to the state treasury for the benefit of  
17 the military fund; provided, that in case of emergency occa-  
18 sioned by war, invasion, riot, insurrection, resistance to the  
19 laws, or imminent danger thereof, or by flood, conflagra-  
20 tion, or tempest, the governor may direct that such property  
21 as may be urgently required be purchased in open market.

22 Provided, also, that the right is reserved to reject any or all  
23 bids.

Sect. 32. No officer herein authorized to make purchases  
2 or sales of military property shall be concerned, directly or  
3 indirectly, in the purchase or sale of any such property,  
4 except for and on account of the state; nor shall any such  
5 officer take or apply to his own use any gain or emolument  
6 for negotiating or transacting any business of his office,  
7 other than what is allowed by law.

Sect. 33. All property purchased under the authority here-  
2 in granted shall be inspected and no payment shall be made  
3 therefor until it shall appear by the certificate of the in-  
4 specting officer that the property is of the kind and quality  
5 specified in the agreement.

Sect. 34. No officer or enlisted man shall contract, or pre-  
2 sume to authorize the contracting of any indebtedness on  
3 behalf of the state, unless especially authorized to do so  
4 by this chapter or by the express order of the governor;  
5 and any person in the military service who shall violate the  
6 provisions of this section shall be dishonorably discharged  
7 and suffer such other punishment as a court-martial may  
8 direct.

Sect. 35. Organization of the National Guard. The or-  
2 ganization, armament, and discipline of the national guard  
3 of this state and of the military units thereof shall be the  
4 same as that which is now or may hereafter be prescribed  
5 or provided by the laws and regulations of the United States

6 for the national guard; and the commander-in-chief is here-  
7 by authorized and it shall be his duty to issue and prescribe  
8 from time to time such orders and regulations, and to adopt  
9 such other means of administration, as shall maintain the  
10 prescribed standard of organization, armament and disci-  
11 pline; and it shall be the further duty of the commander-  
12 in-chief to prescribe such regulations and to adopt such  
13 methods of administration, for the care, preservation, dis-  
14 position of and accountability for all military property is-  
15 sued to the national guard and belonging to the United  
16 States; for procuring, disbursing, and accounting for all  
17 military funds allotted to the state; for arming, equipping,  
18 and supplying the national guard; and for arranging for  
19 such camps of instruction, field service, and rifle practice  
20 as shall meet the requirements that are now or may here-  
21 after be prescribed by the laws and regulations of the Unit-  
22 ed States. And such orders, regulations, and means adopted  
23 shall have the full force and effect of law.

Sect. 36. Whenever the national guard is organized, by  
2 order of the commander-in-chief, into a brigade, a briga-  
3 dier general shall be selected as prescribed in section fifty-  
4 three, to command the same.

Sect. 37. New organizations may be raised on petition to  
2 the governor, or by his order; and when the minimum num-  
3 ber of persons required by law has been enlisted and notice  
4 thereof given to the governor, he may issue an order for  
5 the election of the commissioned officers; but whenever the

6 governor shall have the authority to appoint officers of the  
7 line, he may raise new organizations and appoint the officers  
8 thereof whenever and in such manner as he may deem best  
9 for the service.

Sect. 38. Staff Departments. There shall be the follow-  
2 ing departments consisting of officers and enlisted men of  
3 number and rank specified necessary for the maintenance  
4 of the administrative staff of the national guard, namely:  
5 Adjutant general's department, one major; inspector gen-  
6 eral's department, one major; judge advocate general's de-  
7 partment, one major; quartermaster corps, one major, two  
8 captains, five sergeants first class, five sergeants, ten pri-  
9 vates first class and privates, two cooks; ordnance depart-  
10 ment, one major, two sergeants, three privates first class;  
11 medical department, one major, one first lieutenant or cap-  
12 tain, one sergeant, four privates and privates first class.

Sect. 39. Medical Department. The medical department  
2 of the national guard shall consist of a medical corps, a  
3 medical reserve corps, a dental corps and an enlisted force.  
4 The medical corps shall consist of the officers necessary for  
5 the administrative staff, for service with the regiments, sep-  
6 arate battalions and coast artillery corps of the national  
7 guard, and for the organization of such ambulance com-  
8 panies, field hospitals, and supply depots, as may be au-  
9 thorized or required as the proper complement for the na-  
10 tional guard by the orders of the war department, or by  
11 the laws and regulations of the United States governing the

12 national guard; and such officers shall have the same titles  
13 as those of corresponding grades in the United States army,  
14 and shall be of the same grades and numbers as are au-  
15 thorized or prescribed by the laws and regulations of the  
16 United States for service with the corresponding organiza-  
17 tions of the regular army, or as authorized or prescribed  
18 by the said laws and regulations or orders of the war de-  
19 partment for the government of the national guard.

Sect. 40. For the purpose of securing competent medical  
2 practitioners to conduct the physical examination of appli-  
3 cants for enlistment and to render medical service to any  
4 organization when so ordered by the commander-in-chief,  
5 the governor is authorized to issue commissions as first  
6 lieutenants of the medical reserve corps to such active  
7 licensed practitioners of medicine and surgery in this state  
8 as shall be favorably recommended by the senior officer of  
9 the medical corps, not to exceed one for each company or  
10 other organization so situated that the services of an officer  
11 of the medical corps cannot be effectively available. Such  
12 officers are not entitled to retirement, but the commissions  
13 so given shall confer upon the holders all the authority,  
14 rights and privileges of commissioned officers of like grade  
15 in the medical corps of the national guard, except promo-  
16 tions, but only when engaged in active duty in examining  
17 recruits or under orders from the commander-in-chief.  
18 They shall have rank in said corps according to the date  
19 of their commissions therein, and when employed on active

20 duty shall rank next below all officers of like grade in the  
21 active militia; provided, that any officer of the medical re-  
22 serve corps who fails to perform his duty as herein pre-  
23 scribed shall forfeit his commission and not be eligible to  
24 reappointment.

Officers of the medical reserve corps when called into or  
2 engaged in active duty shall be subject to all the laws, regu-  
3 lations, and orders for the government of the national  
4 guard; and for conducting the physical examination of ap-  
5 plicants for enlistment shall be entitled to such compensation  
6 as the governor in regulations may prescribe, and for all  
7 other services to the pay of first lieutenants of the medical  
8 corps.

Sect. 41. The governor is authorized to appoint dental  
2 surgeons who are citizens of the United States between the  
3 ages of twenty-one and twenty-seven years at the rate of one  
4 for each one thousand enlisted men of the national guard.  
5 Dental surgeons shall have the rank and pay of first lieuten-  
6 ants until they shall have completed eight years' service.  
7 Dental surgeons of more than eight but less than twenty-four  
8 years' service shall, subject to such examination as may be  
9 prescribed, have the rank and pay of captain.

Sect. 42. The enlisted force of the medical department  
2 shall consist of master hospital sergeants, hospital sergeants,  
3 sergeants first class, sergeants, corporals, cooks, horse shoers,  
4 saddlers, farriers, mechanics, privates first class and priv-  
5 ates, required for service with the several organizations of



6 the national guard, ambulance company, or field hospital;  
7 and such non-commissioned officers and privates shall be of  
8 the same grades and numbers as are authorized or pre-  
9 scribed for service with the corresponding organizations of  
10 the regular army or as authorized or prescribed by the or-  
11 ders of the war department, or laws and regulations of the  
12 United States for the government of the national guard.

Enlistments in the medical department and the appointment  
2 of non-commissioned officers therein shall be as prescribed  
3 in regulations promulgated by the secretary of war.

Sect. 43. The governor is authorized to appoint chaplains  
2 in the national guard at the rate of not to exceed one for  
3 each regiment with the rank, pay and allowances authorized  
4 by law and regulations of the war department for chaplains  
5 in the regular army.

Sect. 44. Civilian Cooks. The commander-in-chief may  
2 authorize the employment of cooks to the number fixed in  
3 this chapter in organizations in which there are vacancies in  
4 enlisted cooks when such organizations are on duty under  
5 his orders or are called upon in aid of the civil authorities.  
6 The commander-in-chief may authorize the employment and  
7 prescribe the number of cooks for all headquarters and or-  
8 ganizations for which the enlistment of cooks is not author-  
9 ized by this chapter. Cooks during such employment shall  
10 be subject to the laws and regulations for the government of  
11 the national guard and shall receive the same pay as enlisted  
12 cooks.

Sect. 45. Organization of the Naval Militia. The organizations forming the naval militia at this date, such others as may be organized hereafter and such persons as may be enlisted or as may be appointed or commissioned therein, shall constitute the naval militia of this state.

Sect. 46. The commander-in-chief may organize the forces prescribed in the preceding section as he may deem proper; and when in his judgment the efficiency of the naval militia will be increased thereby, or whenever public interest may demand it, he may alter, reorganize, or disband any or all of the organizations therein; and he shall have power at any time to change the organization of the naval militia so as to conform to any organization, system of drill or instruction which may be adopted for the navy of the United States, and to increase and decrease for that purpose the number of officers, warrant officers, chief petty officers, petty officers and enlisted men and to change their grades, titles, and designations.

The system of administration, drill and instruction of the naval militia shall conform, as nearly as practicable, to that of the navy of the United States; and the discipline and government thereof when not otherwise prescribed shall be according to the laws and regulations now or hereafter governing the national guard. No part of the naval militia shall be attached to any organization of the national guard except when especially ordered by the governor, in which case the senior officer present shall command the whole, unless the commander-in-chief shall direct otherwise.

Sect. 47. The pay of officers and petty officers of the  
2 naval militia shall be the same as that of officers and non-  
3 commissioned officers of the same relative rank in the na-  
4 tional guard; and seamen shall receive the pay of privates of  
5 infantry. The commanding officer of a battalion shall be  
6 allowed a sum not exceeding fifty dollars per annum for the  
7 care and responsibility of such state and United States prop-  
8 erty as he may be accountable for; each division commander  
9 shall be allowed a sum not exceeding fifty dollars per an-  
10 num for the care and responsibility of public property for  
11 which he is accountable; the executive officer of a battalion,  
12 each division clerk and the third class yeoman of each di-  
13 vision shall receive for their services a sum not exceeding  
14 twenty-five dollars per annum.

Sect. 48. Commissioned officers of the naval militia shall  
2 have the same authority, rights, privileges, and qualifica-  
3 tions, grade for grade, as commissioned officers of the na-  
4 tional guard, and, if not otherwise prescribed, shall be  
5 elected or appointed in the same manner; but the board of  
6 examination, in the case of the election or appointment of  
7 an officer of the naval militia shall consist of at least one  
8 commissioned officer of the naval militia, active or retired.  
9 The commanding officer of a battalion shall be elected by the  
10 division commanders, and the election of division command-  
11 ers shall be as prescribed for the election of company officers  
12 of the national guard; but whenever the governor shall have  
13 authority to appoint commissioned officers of the national

14 guard he shall have the power to appoint commissioned  
15 officers of the naval militia in like manner.

Sect. 49. Qualifications for Commissioned Officers. Per-  
2 sons hereafter commissioned as officers of the national guard  
3 shall be selected from the following classes:

Officers or enlisted men of the national guard, officers of  
2 the reserve or unassigned list of the national guard, officers  
3 active or retired and former officers of the United States  
4 army, navy and marine corps, graduates of the United States  
5 military and naval academies and graduates of schools, col-  
6 leges and universities where military science is taught under  
7 the supervision of an officer of the regular army and for the  
8 technical branches and staff corps or departments, such  
9 other civilians as may be especially qualified for duty therein,  
10 shall take and subscribe to the following oath of office:

“I, —————, do solemnly swear that I will  
2 support and defend the constitution of the United States and  
3 the constitution of the State of Maine, against all enemies,  
4 foreign and domestic; that I will bear true faith and allegi-  
5 ance to the same; that I will obey the orders of the President  
6 of the United States and of the governor of the State of  
7 Maine; that I make this obligation freely, without any men-  
8 tal reservation or purpose of evasion, and that I will well  
9 and faithfully discharge the duties of the office of ————  
10 ————— in the national guard of the United States and  
11 of the State of Maine upon which I am about to enter, so  
12 help me God.”

Sect. 50. No person shall be commissioned as an officer  
2 of the national guard unless he first shall have successfully  
3 passed such tests as to his physical, moral, and professional  
4 fitness as the President shall prescribe. The examination to  
5 determine such qualifications for commission shall be con-  
6 ducted by a board of three commissioned officers appointed  
7 by the secretary of war from the regular army or the na-  
8 tional guard, or both.

Sect. 51. Commissioned officers must be citizens of the  
2 United States and twenty-one years of age or over. No  
3 person who has been expelled or dishonorably discharged  
4 from any military or naval organization of this or any other  
5 state or of the United States shall be commissioned, and no  
6 person shall be commissioned unless he shall possess the  
7 additional requirements prescribed in this chapter for the  
8 particular office to which he is to be commissioned; provided  
9 that in time of war, insurrection, invasion, rebellion, or im-  
10 minent danger thereof, the governor shall have the power to  
11 fill any vacancy in any field grade by the appointment there-  
12 to of any officer on the active list of the army, navy or  
13 marine corps of the United States.

Sect. 52. Rank and precedence of officers and non-com-  
2 missioned officers of the national guard of this state, the  
3 relative rank between officers thereof and of the naval  
4 militia, the power of command and the commands appro-  
5 priate to each grade, shall be as determined by the laws and  
6 regulations for the government of the regular army and  
7 navy of the United States.

Sect. 53. Election and Appointment of Commissioned  
2 Officers. General, field, and company officers, of the line,  
3 shall be elected as follows: Brigadier generals by the written  
4 votes of the field officers of their respective brigades; field  
5 officers by the written votes of the captains and subalterns  
6 of the respective regiments or corps; captains and subalterns  
7 by the written votes of the members of their respective com-  
8 panies; subject to the age limit prescribed in section two,  
9 this act. Provided that if section one, article seven of the  
10 constitution of the state shall be hereafter amended in such  
11 manner as to permit the legislature to prescribe the mode of  
12 selecting officers for the grades herein specified, then, on  
13 and after the first day of July next succeeding the adoption  
14 of such amendment, the said officer shall be promoted and  
15 appointed by the governor as follows and the elective sys-  
16 tem prescribed in this chapter shall cease to exist, otherwise  
17 to remain in full force and effect: Vacancies in the grade of  
18 brigadier general shall be filled by promoting the senior col-  
19 onel; vacancies in the field grades of a regiment or corps by  
20 promoting the senior officer of the regiment or corps, of the  
21 next lower grade; vacancies in the grade of captain or lieu-  
22 tenant by promoting the senior officer of the company, of the  
23 next lower grade. Subject in each case to examination as  
24 provided in section fifty. Vacancies in the grade of second  
25 lieutenant shall be filled in the following manner: All en-  
26 listed men of the company, and any battalion and regimental  
27 non-commissioned staff officer who was appointed from said

28 company, shall if physically sound, be eligible for appoint-  
29 ment, and shall be permitted to appear before an examining  
30 board, for a physical and a competitive practical and theoret-  
31 ical examination; the enlisted men whom the board con-  
32 siders, after the competitive examination, to be the best qual-  
33 ified shall be appointed to fill the vacancy. The governor  
34 shall prescribe regulations as to the scope and the manner of  
35 conducting such examination, and if no such enlisted man  
36 appears or if none satisfactorily passes said examination,  
37 then the governor shall fill the vacancy by making an ap-  
38 pointment.

Sect. 54. The adjutant general shall issue orders for all  
2 elections, shall detail a suitable officer other than a candidate  
3 to preside thereat, and shall give or cause to be given by  
4 commissioned officers notification to all qualified voters  
5 when, where and for what office the election is to be held, by  
6 written or printed notice given in hand, sent by mail, or left  
7 at the last and usual place of abode at least four days before  
8 the date of the election. The officer or officers serving such  
9 notice shall make a certified written return of the persons  
10 notified and of the manner of service, and present the same  
11 to the presiding officer before the polls are open. At the time  
12 fixed for the election the officer ordered to preside thereat,  
13 or in his absnce a qualified officer authorized by him to act  
14 for him, or in the absence of such officer the commissioned  
15 officer highest in rank of those present not being a cadidate,  
16 shall require the return of the service of notice, the roster of

17 the brigade, regiment, or company from the legal custodian  
18 and shall then open the polls. A majority of the votes of all  
19 persons present voting at an election shall be necessary for a  
20 choice, but in no case shall an election be held unless a ma-  
21 jority of the qualified electors are present. The presiding  
22 officer shall be the judge of the election, shall canvass the  
23 result, forthwith notify in writing the successful candidate  
24 of his election, and report the proceedings in writing to the  
25 adjutant general.

If it shall appear at any election that legal notice has not  
2 been given in the manner aforesaid to all persons entitled to  
3 vote, the presiding officer shall adjourn the meeting, cause  
4 such notice to be given, set another date for an election not  
5 less than seven days later, and notify the adjutant general;  
6 but the presence of a person entitled to vote shall be a waiver  
7 of his right to legal notice.

If the electors neglect, refuse, or, after the election shall  
2 have been in progress for three hours, fail to elect, then  
3 this fact shall be certified by the presiding officer to the  
4 adjutant general, and the governor shall promote or appoint  
5 an officer in accordance with the preceding section, and if  
6 any person so elected or appointed neglect, refuse, or fail  
7 without cause to appear, when notified, for examination, or  
8 fail to pass the examination, a new election shall be held or  
9 appointment made.

Every officer duly commissioned shall within ten days ac-  
2 cept the same and take the constitutional oath of office;



3 such oath may be taken and subscribed before any officer  
4 authorized by law to administer an oath; and in case of  
5 neglect or refusal to accept the commission or to take and  
6 subscribe the oath within the time mentioned, such com-  
7 mission shall be cancelled by the governor, and a new elec-  
8 tion ordered or appointment made to fill the vacancy.

Sect. 55. Vacancies occurring in the various grades, ex-  
2 cepting the lowest of the several staff departments and  
3 corps, shall be filled by promoting and appointing the senior  
4 officer in the next lower grade of said department or corps.  
5 Vacancies occurring in the lowest grades thereof shall be  
6 filled in the following manner:

In the medical department appointments shall be made by  
2 the governor upon the recommendation of a board of ex-  
3 amination consisting of three officers of the medical corps.  
4 Such boards of examination shall be convened by general  
5 orders from the adjutant general's office, which orders shall  
6 indicate the number of vacancies to be filled, and any active  
7 licensed practitioner of medicine and surgery in this state  
8 and who is physically sound shall be permitted to appear  
9 for examination.

Provided further, that persons hereafter commissioned in  
2 the medical corps shall be citizens of the United States be-  
3 tween the ages of twenty-two and thirty years and shall be  
4 promoted to the grade of captain upon the completion of  
5 five years' service in the medical corps and upon passing

6 the examinations prescribed by the President for promotion  
7 to the grade of captain in the medical corps.

In all other staff departments and corps any vacancy shall  
2 be filled by the appointment thereto of any commissioned  
3 officer in the national guard.

Commanding officers of brigades, regiments and separate  
2 battalions shall appoint their respective staff officers subject  
3 to the provisions of sections forty-nine, fifty and fifty-one  
4 of this act.

Battalion staff officers are appointed by the regimental com-  
2 manders upon the recommendation of the battalion com-  
3 mander.

Sect. 56. Examination for Commission. The governor  
2 may prescribe a system of examination to determine the  
3 enlisted men best qualified for appointment to the grade of  
4 second lieutenant as prescribed in section fifty-three, and  
5 the best qualified applicant for appointment to the lowest  
6 grade in the medical corps as prescribed in section fifty-  
7 five.

Sect. 57. The President shall prescribe a system of ex-  
2 amination of all officers of the militia to determine their  
3 physical, moral, professional and general fitness for pro-  
4 motion or for appointment, such examination to be con-  
5 ducted, if practicable, prior to the accruing of the right to  
6 promotion or to the issuing of the commission as may be  
7 best for the interest of the service; provided that if any  
8 officer fails to pass a satisfactory examination and is re-

9 ported unfit for promotion or appointment, the officer next  
10 below him in rank or standing next in the line of promo-  
11 tion, having passed said examination, shall receive the pro-  
12 motion, or if the office is elective the governor shall order  
13 another election; and provided that should the officer be  
14 found incapacitated for service by reason of physical dis-  
15 ability he shall be retired with the rank to which his senior-  
16 ity entitled him to be promoted and should he fail for any  
17 other reason, other than moral fitness, he shall be suspended  
18 from promotion or appointment to any office in the militia  
19 for one year, and should he fail the second time to pass  
20 such examination he shall be honorably discharged, but  
21 should he be found lacking in moral fitness, he shall, if the  
22 governor approve of such finding, be discharged for the  
23 good of the service. Provided that no candidate will be  
24 examined whose examination has not been authorized by  
25 the secretary of war who is not a citizen of the United  
26 States or has not declared his intention of becoming such;  
27 who, in the judgment of the board, is not physically quali-  
28 fied to discharge all the duties of an officer in active ser-  
29 vice; who has any mental infirmity; whose moral fitness has  
30 not been clearly established; who is less than twenty-one  
31 years of age or who being designated for commission other  
32 than by promotion, as second lieutenant, shall be more than  
33 thirty; as first lieutenant more than thirty-five; as captain  
34 more than forty; as major more than forty-five; as lieu-

35 tenant colonel more than fifty; as colonel more than fifty-  
36 five or as a general officer more than sixty years old.

Sect. 58. The governor may, upon the recommendation  
2 of his commanding officer, confer a brevet commission of a  
3 grade next higher than that actually held by the officer so  
4 recommended, upon any officer of the national guard or  
5 naval militia in active service, for distinguished gallantry.  
6 Such commissions shall carry with them only such privi-  
7 leges or rights as are allowed in like cases in the military  
8 and naval service of the United States.

Sect. 59. Elimination and Disposition of Officers: At any  
2 time the moral character, capacity, and general fitness for  
3 the service of any national guard officer may be determined  
4 by an efficiency board of three commissioned officers, senior  
5 in rank to the officer whose fitness for service shall be under  
6 investigation, and if the findings of such board be unfavor-  
7 able to such officer and be approved by the official author-  
8 ized to appoint such an officer, he shall be discharged. Com-  
9 missions of officers of the national guard may be vacated  
10 upon resignation, absence without leave for three months,  
11 upon the recommendation of an efficiency board, or pur-  
12 suant to sentence of a court-martial. Officers of said guard  
13 rendered surplus by the disbandment of their organizations  
14 shall be placed in the national guard reserve. Officers may,  
15 upon their own application, be placed in the said reserve.

Sect. 60. Any officer who shall reach the age prescribed  
2 in Section sixty-one shall be retired. Any officer who shall

3 fail in a second examination as prescribed in Section fifty-  
4 seven, accepts an appointment in the army, navy or marine  
5 corps of the United States, or who tenders his resignation  
6 and the same having been accepted, shall receive an honor-  
7 able discharge, provided he shall not be under arrest or re-  
8 turned to a military court for any deficiency or delinquency  
9 and provided he be not indebted to the state in any manner  
10 and that all his accounts for money and public property be  
11 correct.

Sect. 61. Any officer who is sixty-four years old, or who  
2 is found incapacitated for service by reason of physical dis-  
3 ability under the provisions of Section fifty-seven, shall be  
4 withdrawn from active service and placed on the retired  
5 list, with the highest rank held by him during service, pro-  
6 vided that if at the time of his retirement he shall have  
7 served as a commissioned officer in the national guard for a  
8 continuous period of fifteen years he may be retired with  
9 one grade higher rank than that held at the time of his re-  
10 tirement.

Retired officers shall be entitled to wear the uniform of  
2 the rank with which they were retired; they shall continue  
3 to be borne on the national guard register, shall be subject  
4 to military law, and may, in the discretion of the governor,  
5 be assigned to active duty.

Sect. 62. No commissioned officer in the national guard  
2 or naval militia shall be removed from office without his

3 consent, except by sentence of a general court-martial or  
4 as provided in this chapter.

Sect. 63. Enlistments in the National Guard. Hereafter  
2 the period of enlistment in the national guard shall be for  
3 six years, the first three years of which shall be in an active  
4 organization and the remaining three years in the national  
5 guard reserve, hereinafter provided for, and the qualifica-  
6 tions for enlistment shall be the same as those prescribed  
7 for admission to the regular army: Provided, that in the  
8 national guard the privilege of continuing in active service  
9 during the whole of an enlistment period and of re-enlisting  
10 in said service shall not be denied by reason of anything  
11 contained in this act.

Sect. 64. Every person who enlists or re-enlists shall sign  
2 and make oath to an enlistment contract which shall contain  
3 the following oath of allegiance to the state and the United  
4 States:

“I do hereby acknowledge to have voluntarily enlisted this  
2 ——— day of ———, 19—, as a soldier in the  
3 national guard of the United States and of the State of  
4 Maine, for the period of three years in service and three  
5 years in the reserve, under the conditions prescribed by  
6 law, unless sooner discharged by proper authority. And  
7 I do solemnly swear that I will bear true faith and allegiance  
8 to the United States of America and to the State of Maine,  
9 and that I will serve them honestly and faithfully against  
10 all their enemies whomsoever, and that I will obey the or-

11 ders of the President of the United States and of the gov-  
12 ernor of the State of Maine, and of the officers appointed  
13 over me according to law and the rules and articles of war."

Such oath shall be taken and subscribed to before a com-  
2 missioned officer of the national guard and all such com-  
3 missioned officers are hereby authorized to administer such  
4 oaths when designated by the commanding officer of the  
5 company or other organization or by other proper military  
6 superior, to make and complete valid enlistments in the na-  
7 tional guard. A person making a false oath as to any state-  
8 ment contained in such enlistment paper shall upon convic-  
9 tion be deemed guilty of perjury.

Sect. 65. Any male citizen of the United States and of  
2 the State of Maine or person who has legally declared his  
3 intention to become a citizen, if above the age of eighteen  
4 and under the age of forty-five years, able-bodied, free from  
5 disease, of good character and temperate habits, who is not  
6 exempt by law, may be accepted for enlistment in the na-  
7 tional guard, with the exceptions hereinafter stated. The  
8 restrictions as to maximum age shall not apply to soldiers  
9 who have served honorably and faithfully a previous en-  
10 listment in the regular army, organized militia or national  
11 guard.

Sect. 66. The enlistment in the national guard of persons  
2 of any of the following classes is prohibited: Insane or  
3 intoxicated persons, deserters from the military or naval  
4 service of the United States, persons who have been con-

5 victed of a felony or who have been imprisoned under sen-  
6 tence of a court in a reformatory, jail or penitentiary, per-  
7 sons who cannot speak, read and write the English language  
8 and former soldiers of the regular army or national guard  
9 whose service during the last preceding term of enlistment  
10 has not been honest and faithful.

Sect. 67. The following classes of persons are also prohib-  
2 ited from enlisting in the national guard: Persons drawing  
3 a military pension from the United States or from any state,  
4 members of the regular army reserve, the officers' reserve  
5 corps, the reserve officers' training corps and the enlisted  
6 reserve corps.

The enlistment of a minor under the age of eighteen years  
2 with or without parental consent is prohibited. Should a  
3 minor under the age of eighteen enlist by falsely represent-  
4 ing himself to be over that age, he will render himself liable  
5 to punishment for fraudulent enlistment. Parental consent  
6 is not necessary for the enlistment of a minor whose age is  
7 eighteen years or over and such consent will not be recog-  
8 nized or accepted.

Sect. 68. No man of forty-five years of age or over shall  
2 be re-enlisted unless he has served the full period of his last  
3 preceding enlistment, has the permission of the commanding  
4 officer of the organization in which he desires to enlist, and  
5 of the adjutant general and has passed the physical exam-  
6 ination prescribed by regulations.

Sect. 69. The commander-in-chief shall have the power



2 to make and cause to be made such transfers of officers and  
3 enlisted men within a regiment, corps, or separate organ-  
4 ization, between regiments, corps or separate organizations,  
5 and between the line and the medical department, as may  
6 be for the best interests of the service, and to provide regu-  
7 lations therefor.

Sect. 70. General, regimental and battalion non-commis-  
2 sioned staff officers, and non-commissioned officers of com-  
3 panies and bands, shall be appointed, promoted, reduced,  
4 and warranted in accordance with, and their duties defined  
5 by, the regulations under this chapter, which shall be the  
6 same, so far as may be, as the corresponding regulations  
7 governing the regular army. Chief petty officers and petty  
8 officers of the naval militia shall be appointed, promoted, re-  
9 duced, and warranted in such manner as the commander-  
10 in-chief may prescribe.

Sect. 71. Any enlisted man, who shall remove his residence  
2 to such distance from the armory of his organization as to  
3 render it impossible for him to perform his duties properly  
4 shall be transferred to another organization, furloughed to  
5 the reserve, dropped as a deserter or discharged, as shall  
6 be prescribed in regulations from the war department.

Sect. 72. Physical Examination for Enlistments. The  
2 physical examination of all applicants for enlistment or re-  
3 enlistment will be conducted by an officer of the medical  
4 corps, active or reserve, of the national guard designated by  
5 the governor, and will be in accordance with the author-

6 ized rules and regulations for examining recruits for the  
7 regular army.

Sect. 73. Discharge of Enlisted Men from the National  
2 Guard. No enlisted man shall be discharged from the ser-  
3 vice of the national guard without a certificate of discharge  
4 in such form and with such classification as is or shall be  
5 prescribed for the regular army and in time of peace an en-  
6 listed man will not be discharged before the expiration of  
7 his period of enlistment except as prescribed by regulations  
8 of the war department for the government of the national  
9 guard.

Sect. 74. The National Guard Reserve. Subject to such  
2 rules and regulations as the President may prescribe, a na-  
3 tional guard reserve shall be organized and shall consist of  
4 such officers and enlisted men as have been transferred and  
5 furloughed respectively from the active organizations of the  
6 national guard.

Except in time of war the national guard reserve shall not  
2 be organized into tactical or other units except for tempo-  
3 rary purposes during field or coast defense training, and  
4 enlistments will not be made for the national guard reserve.

Sect. 75. Officers and enlisted men of the national guard  
2 reserve may upon their own request be authorized to attend  
3 the armory instruction of active organizations and upon ap-  
4 proval of the secretary of war may attend camps with active  
5 organizations of the national guard for not to exceed fif-  
6 teen days each year for field or coast defense training, but

7 when so engaged they shall not be counted as forming any  
8 part of the minimum strength required by the war depart-  
9 ment for the attendance of active organizations.

Sect. 76. Officers and enlisted men of the national guard  
2 reserve when engaged in field or coast defense training with  
3 active organizations will be attached thereto or organized  
4 into provisional units as reservists. When engaged in field  
5 or coast defense training with active organizations, officers  
6 and enlisted men of the reserve while so engaged shall re-  
7 ceive the same pay and allowances as officers and enlisted  
8 men of like grade of the active list of the national guard.

Sect. 77. Certificate of Merit. Hereafter when any en-  
2 listed man of the national guard shall have distinguished  
3 himself in the service for gallantry or for long and merito-  
4 rious service in the national guard or naval militia for a  
5 continuous period of fifteen years or for a period of twenty  
6 years not necessarily continuous, the governor may upon  
7 the recommendation of the commanding officer of the reg-  
8 iment or the senior officer of the organization to which such  
9 enlisted man belongs, grant him a certificate of merit; and  
10 a holder of such certificate shall be borne on the military  
11 register of the state for the remainder of his life; provided  
12 that meritorious service hereafter in time of actual war, in-  
13 surrection or rebellion, shall count double toward procuring  
14 such certificate.

Sect. 78. United States Army Regulations Will Govern.  
2 Matters of military courtesy and discipline; precedence of

3 regiments and corps; details and working parties; special  
4 duty; official designation and duties of officers; records;  
5 flags, colors and standards; instruction and administration  
6 of regiments, battalions and companies; interior economy  
7 of companies; rosters, detachments and daily service; hon-  
8 ors, courtesies and ceremonies; guards; practical and theo-  
9 retical instruction; care, accountability and responsibility  
10 for public property; surveys of property; staff administra-  
11 tion and general duties of the staff corps; military corre-  
12 spondence; orders; muster rolls; return of troops and bat-  
13 tle reports; arrest and confinement; and field service, shall,  
14 in general and so far as practicable and consistent with  
15 this chapter, be as now or hereafter prescribed in the reg-  
16 ulations for the armies of the United States.

Sect. 79. Special Inspection. The commander-in-chief  
2 may in his discretion at such times and under such regula-  
3 tions as he may prescribe order each colonel commanding  
4 a regiment or corps, or, in case of his disability or when  
5 designated by him, of the lieutenant colonel, and each ma-  
6 jor commanding a battalion, to parade, inspect, and report  
7 upon the general military efficiency of the several com-  
8 panies under his command at least once each year; and the  
9 commander-in-chief may, whenever he deems it necessary,  
10 order an inspection by a medical officer of the officers and  
11 men, armories, clothes and equipment of the national guard  
12 or naval militia.

Sect. 80. Instruction and Training. The commander-in-

2 chief shall prescribe for the officers and men of the regi-  
3 ments, corps and staff departments of the national guard  
4 and for the officers and men of the naval militia a course of  
5 theoretical and practical instruction, and shall organize such  
6 schools, designate such instructors, and make such regula-  
7 tions, as may be required to accomplish such instruction.

He shall have the power to order each company, troop,  
2 battery and detachment in the national guard to assemble  
3 for drill and instruction, including indoor target practice  
4 and in addition thereto to participate in encampments, ma-  
5 neuvers and other exercises, including outdoor target prac-  
6 tice, as shall be prescribed by laws and regulations of the  
7 war department. No parade or drill shall be ordered on  
8 any day during which any election shall be held, except in  
9 cases of riot, invasion or insurrection, or imminent danger  
10 thereof, or of public danger resulting from flood, conflagra-  
11 tion or tempest.

Sect. 81. When called in aid of Civil Authorities. In  
2 case of a tumult, riot, mob or body of men acting together  
3 by force with intent to commit felony or to offer violence  
4 to persons or property, or by force and violence to break  
5 and resist the laws of the state or the United States, or of  
6 imminent danger thereof, a justice of the supreme judi-  
7 cial court in term time or vacation or the sheriff of a coun-  
8 ty, may call for aid upon a commanding officer of the na-  
9 tional guard or naval militia, and such call shall be in writ-  
10 ing. The commanding officer upon whom the call is made

11 shall order out in aid of the civil authorities the military or  
12 naval force or any part thereof under his command, and  
13 shall make an immediate report of the case to the adjutant  
14 general and to his immediate commanding officer. He shall  
15 receive only general directions from the civil authority re-  
16 questing the aid, and shall remain strictly responsible to his  
17 military superior for the manner in which the troops shall  
18 be used to accomplish the desired end.

Sect. 82. In the event of public danger resulting from  
2 flood, conflagration, or tempest the senior officer of a com-  
3 mand may, upon request of the mayor of a city or the se-  
4 lectmen of a town, order out for the defense or protection  
5 of the community the forces under his command, or any  
6 part thereof, and immediately report his action and the cir-  
7 cumstances of the case to the adjutant general and to his  
8 immediate commanding officer.

Sect. 83. Closing of certain places when National Guard  
2 is on active duty. Whenever any part of the national  
3 guard is on active duty, pursuant to the order of the gov-  
4 ernor or call of civil authority, to aid in the enforcement  
5 of the laws, the commanding officer of such troops may  
6 order the closing of any place where intoxicating liquors,  
7 arms, ammunition, dynamite or other explosives are sold,  
8 and forbid the selling, bartering, lending, or giving away  
9 any of said articles so long as any of the troops remain on  
10 duty in such places, or in the vicinity thereof, whether any  
11 civil officer has forbidden the same or not.

Sect. 84. Notices for Duty. Notices for duty at encampments, maneuvers and field instruction shall be given at least ten days prior thereto, and for other duty at such time as the officer issuing the order shall prescribe. Such notices shall be given orally or by written or printed notice in hand, sent by mail or left at the last and usual place of abode, provided that the posting of the copy of an order in a conspicuous place in the drill or business room of the company, at a regular meeting held not less than four days before the time fixed in such order for the performance of any duty shall be sufficient notice to all members of the company present at such meeting; and provided that when the days upon which the stated drills provided by law, orders, or regulations are to be held have been fixed, no further notice thereof shall be required to the members of the company.

Sect. 85. Prizes for proficiency in Marksmanship. To encourage marksmanship the governor is authorized to offer annually a state decoration to those who shall excel in small arms practice, and prizes for competition among the organizations and corps of the national guard and naval militia armed with rifle and carbine. He may also in his discretion provide suitable decorations and prizes for proficiency in practice with light and heavy guns. All such prizes shall be competed for under regulations prescribed by the senior ordnance officer, approved by the adjutant general. Members of any staff, corps or department as-

12 signed to duty with any command shall be considered a  
13 part of such command for the purposes of the competition  
14 herein authorized.

Sect. 86. Medal for Honorable Service. Every officer and  
2 soldier who has rendered honorable service for nine years in  
3 the national guard of the state shall receive a service medal  
4 therefor and an additional bar or clasp for each additional  
5 three years' service.

Sect. 87. Medal for Perfect Attendance. Every officer  
2 or enlisted man of a company or sanitary detachment, who  
3 has a perfect record of attendance at every military duty  
4 for one year, shall receive a suitable medal therefor, and a  
5 bar or clasp for each additional year of perfect attendance,  
6 either continuous or otherwise.

Sect. 88. Pay and Allowances. Each officer and enlist-  
2 ed man ordered for duty by the commander-in-chief, or  
3 under his authority, shall receive for every day actually on  
4 duty, the following pay. All officers of staff departments  
5 and corps, irrespective of rank, five dollars; brigadier gen-  
6 eral, six dollars; colonel, five dollars; lieutenant colonel,  
7 four dollars and fifty cents; major, four dollars; captain,  
8 three dollars and fifty cents; first lieutenant, three dollars;  
9 second lieutenant, two dollars and fifty cents; master elec-  
10 trician, engineer, sergeant first class, medical department,  
11 regimental sergeant major, supply sergeant, sergeant ma-  
12 jor senior grade, ordnance sergeant, electrician sergeant  
13 first class, sergeant first class Q. M. corps, first sergeant,



14 two dollars; battalion sergeant major, sergeant major junior  
15 grade, master gunner, sergeant bugler, one dollar and nine-  
16 ty cents; sergeant Q. M. corps and medical department,  
17 color sergeant, electrician sergeant second class, one dol-  
18 lar and eighty-five cents; sergeant, stable sergeant, supply  
19 sergeant, mess sergeant, cook, horseshoer, fireman, one dol-  
20 lar and seventy-five cents; mechanic (coast artillery), one  
21 dollar and sixty cents; corporal, saddler, mechanic (infan-  
22 try), farrier, wagoner, one dollar and fifty cents; private  
23 first class, one dollar and forty cents; private, medical de-  
24 partment, one dollar and thirty cents; private, bugler, one  
25 dollar and twenty-five cents; all band musicians, three dol-  
26 lars; and in addition thereto, there shall be allowed the nec-  
27 essary transportation and subsistence: Provided that no  
28 pay or compensation shall be allowed when ordered for in-  
29 spection or muster, small arms practice, drill, parade, re-  
30 view, field service, or practice marches, unless expressly  
31 authorized in the order for such duties, and provided fur-  
32 ther, that when ordered for encampments, maneuvers, field  
33 exercise or small arms' competitions, or when called forth  
34 in aid of the civil authority, commissioned officers and en-  
35 listed men shall receive the same pay as officers and en-  
36 listed men of the same grade in the regular army.

When the national guard, or any portion thereof, shall  
2 be called forth in aid of the civil authority, or assembled  
3 in obedience to such calls, as provided for in Sections eighty-  
4 one and eighty-two, all officers and men thereof shall re-

5 ceive the pay set forth in this section; and such compensa-  
6 tion and the necessary expenses incurred in quartering, car-  
7 ing for, transporting, and subsisting the troops as well as  
8 the expense incurred for pay, care and subsistence of offi-  
9 cers and enlisted men temporarily disabled in the line of  
10 duty, while on such duty, shall be paid by the county where  
11 such service is rendered. The treasurer of such county  
12 shall, upon presentation to him of vouchers and pay rolls  
13 for such expenses and compensation, certified by the com-  
14 manding officer of the organization or corps on duty in aid  
15 of the civil authority in such county or counties, and ap-  
16 proved by the adjutant general, forthwith execute in be-  
17 half of and in the name of such county a certificate or cer-  
18 tificates of indebtedness for the money required to pay such  
19 vouchers and pay rolls; such certificates shall bear interest  
20 at the rate of not to exceed six per centum per annum, and  
21 shall be made payable on the first day of January follow-  
22 ing the expiration of two months from their issue, and the  
23 amount thereof shall be raised in the next tax budget of  
24 said county succeeding their issue, and applied to the pay-  
25 ment of such certificates. Said county treasurer shall sell  
26 such certificates at public and private sale, and apply the  
27 proceeds thereof to the payment of such expenses and com-  
28 pensation. Any county treasurer or public officer, who  
29 shall neglect or refuse to perform any of the duties required  
30 by this section, shall be personally charged with the costs  
31 and all necessary disbursements of any action or proceed-

32 ing brought to compel such performance, together with a  
33 reasonable additional allowance to the plaintiff or relator in  
34 such action or proceeding, to be fixed.

Sect. 89. Special Allowances. In addition to all other  
2 pay and allowances herein provided there shall be allowed  
3 each company commander or other officer who in the opin-  
4 ion of the adjutant general is entitled to remuneration for  
5 care and responsibility of military property, not exceeding  
6 fifty dollars per annum; each company clerk, and each com-  
7 pany quartermaster sergeant, not exceeding twenty-five dol-  
8 lars per annum.

To all officers ordered to make inspection or other journeys  
2 necessary in the military service, there shall be allowed all  
3 actual and necessary expense incident to the performance  
4 of said service, including such incidental expenditures as are  
5 allowed by law and regulations to officers of the regular  
6 army when inspecting the organized militia.

Whenever deemed necessary, the adjutant general may au-  
2 thorize the commutation of rations for enlisted men, which  
3 shall be at the rate fixed by the regulations of the United  
4 States Army in force at the time.

The adjutant general whenever necessary, and in such  
2 manner as he may deem best, shall provide suitable mounts  
3 for all officers and enlisted men required to perform mount-  
4 ed duty. He shall also approve all other just and reasonable  
5 claims, payments, and expenditures, legally made in behalf  
6 of the military service of the state.

## Sect. 90. Approval and Payment of Military Accounts.

2 All military accounts, unless otherwise specially provided  
3 by law, shall be approved by the person authorized to con-  
4 tract the same and transmitted to the adjutant general for  
5 his examination and approval. They shall then be present-  
6 ed to the state auditor, and if found correct shall be certi-  
7 fied to the paymaster general for payment, and a warrant  
8 shall be drawn for the amount thereof on the state treasurer  
9 in favor of the paymaster general; accounts so allowed shall  
10 be paid by him to the persons to whom they are severally  
11 due, or to their order; provided that no payment what-  
12 ever shall be made or allowed except for duty actually per-  
13 formed or services actually rendered; and provided that no  
14 payment of any sum authorized by this chapter shall be  
15 made to any person until there shall have been first deduct-  
16 ed therefrom all amounts due by him to the state on any  
17 military account whatsoever; and provided further that  
18 whenever the governor shall deem it necessary he may draw  
19 his warrant on the state treasurer in favor of the paymaster  
20 general for such sums from the military fund or the appro-  
21 priation for the support of the naval militia as may be re-  
22 quired to meet immediate payments for current expendi-  
23 tures, such funds to be accounted for separately on a month-  
24 ly account current to be filed with the state auditor and any  
25 unused balance to be covered into the state treasury when-  
26 ever directed by the governor.

Sect. 91. The Military Fund. For the purpose of rais-

2 ing revenue to defray the current expenses of the national  
3 guard and naval militia there shall be appropriated annual-  
4 ly from any money in the treasury not otherwise appro-  
5 priated the sum of forty-five thousand dollars, of which  
6 sum at least five thousand dollars or so much thereof as  
7 may be necessary shall be appropriated by the paymaster  
8 general for the support of the naval militia. The revenue  
9 thus raised shall be paid into the state treasury and be con-  
10 verted into a special and continuous military fund, from  
11 which special fund only, except where herein otherwise  
12 specified, shall be paid the expenses authorized by this act;  
13 and so much thereof as may be necessary is hereby appro-  
14 priated to carry out the provisions of this article, to be paid  
15 upon vouchers approved as provided in Section ninety.

Sect. 92. Claims for Disability. Any member of the na-  
2 tional guard or naval militia who shall, when on duty or  
3 assembled therefor, in case of riot, tumult, breach of the  
4 peace, insurrection or invasion, or whenever called into ac-  
5 tive service of the state by order of the governor, or called  
6 in aid of the civil authorities, or when participating by order  
7 of the governor in any encampment, maneuvers, and field  
8 instruction of any part of the regular army at or near any  
9 military post or camp or lake or sea coast defenses of the  
10 United States, or when participating by order of the gov-  
11 ernor in practice marches or camps of instruction for at  
12 least five consecutive days, receive any injury, or incur or  
13 contract any disability or disease, by reason of such duty

14 or assembly therefor, or who shall without fault or negli-  
15 gence on his part receive any wound or injury incident to  
16 and while performing any lawfully ordered duty, which  
17 shall temporarily incapacitate him from his usual business  
18 or occupation, shall during the period of such incapacity, re-  
19 ceive the pay provided by Section eight-eight, and actual  
20 and necessary expenses for care and medical attendance.  
21 No claim shall be allowed under this section unless the  
22 claimant within thirty days after receiving the injury or  
23 contracting the disease or disability upon which the claim  
24 is based, notifies in writing the adjutant general of his in-  
25 tention to make such claim. Under this section no disability  
26 shall be considered temporary which continues more than  
27 ninety days after the date of receiving the injury or of con-  
28 tracting or incurring the disease or disability, and pay and  
29 expenses for care and medical attendance for more than  
30 the said ninety days shall not be allowed. Where a claim  
31 is made under this section, the claimant shall, within thirty  
32 days after receiving the injury or contracting the disease  
33 or disability upon which the claim is made, or such further  
34 time as the adjutant general shall grant, submit to the ad-  
35 jutant general his proof by affidavit or otherwise as the  
36 adjutant general may direct. On examination thereof the  
37 adjutant general may allow or disallow the whole or any  
38 part of said claim, or he may refer the same to a medical  
39 examiner or to a board of three officers, at least one being  
40 a medical officer, to be appointed by the adjutant general,

41 and such medical examiner or board shall have the same  
42 power to take evidence, administer oaths, issue subpoenas  
43 and compel witnesses to attend and testify and produce  
44 books and papers, and punish their failure to do so, as is  
45 possessed by a general court-martial. The finding of the  
46 medical examiner or board shall be subject to the approval  
47 of the adjutant general, who may approve the whole or any  
48 part thereof, or he may return the proceedings for revision  
49 or for taking further testimony. The adjutant general may  
50 cause an examination of the claimant to be made from time  
51 to time by a medical officer or officers, designated for the  
52 purpose, and may direct the removal of a claimant to, and  
53 his treatment in, any hospital designated by the adjutant  
54 general, and if the claimant refuse to permit any examination  
55 herein provided for, or if he refuse to go to such hospital, or  
56 to follow the advice given or treatment prescribed for him  
57 therein, he shall thereby forfeit and be barred from all rights  
58 to any claim or allowance under this section.

The amount found due such member by the adjutant gen-  
2 eral, either on his own investigation or on the report of a  
3 medical examiner or board to the extent approved by him,  
4 shall be a charge against and be paid in the manner provided  
5 in section eighty-eight by the county in which such duty was  
6 rendered, in every case where a county is by said section  
7 made liable to pay for the performance of military duty; and  
8 in all other cases such sums shall be a claim against the state  
9 of Maine, and the adjutant general shall so certify to the

10 governor and council who will cause their warrant to be  
11 drawn for the amount so certified, and the treasurer of the  
12 state shall pay said amount to the claimant from any moneys  
13 in the treasury not otherwise appropriated.

Sect. 93. Armories and Rifle Ranges. It shall be the duty  
2 of municipal officers to provide and maintain for each platoon  
3 or company of the national guard or naval militia located  
4 within the limits of their respective towns a suitable drill-  
5 room, offices and armory, or place of deposit of all military  
6 property, and for the headquarters of each separate bat-  
7 talion, corps, regiment, and brigade established within said  
8 municipal limits suitable headquarters offices; and the suit-  
9 ability for the necessary military purposes, of such drill-  
10 rooms, armories and headquarters offices, shall be deter-  
11 mined by the armory commission. A reasonable compensa-  
12 tion shall be fixed by the armory commission, after hearing  
13 and consulting with the responsible municipal officers, for  
14 each company, other organization, band or separate head-  
15 quarters and shall be allowed as rent for such suitable build-  
16 ing or buildings to the municipality providing and maintain-  
17 ing them, and paid by the state out of the appropriation for  
18 armory rental, and to carry out the provisions of this section  
19 the sum of twelve thousand, five hundred dollars for the  
20 year nineteen hundred and seventeen and thereafter the sum  
21 of fifteen thousand dollars annually is hereby appropriated  
22 from any money in the treasury not otherwise appropriated,  
23 payment to be made by the treasurer of the state upon



24 vouchers manifested by the armory commission to the state  
25 auditor.

Sect. 94. It shall be the duty of municipal officers to  
2 provide for organizations of the national guard located with-  
3 in the limits of their respective towns a suitable target range,  
4 except where such range shall be provided out of the funds  
5 appropriated by the congress of the United States and appor-  
6 tioned to the state for that purpose; and it shall be the duty  
7 of such municipal officers to maintain and keep in good re-  
8 pair such target range for the use of the company or com-  
9 panies located within the limits of their municipality, irre-  
10 spective of the method in which such range may have been  
11 obtained. The suitability of such target range for the neces-  
12 sary military purposes shall be as determined by the senior  
13 officer in the ordnance department of the national guard and  
14 approved by the adjutant general. All ranges shall be open  
15 for the use of members of the national guard at any time, in-  
16 cluding Sundays, subject to the approval of the adjutant gen-  
17 eral.

Sect. 95. Any municipal officer who fails, refuses, or neg-  
2 lects to take effective measures for providing and maintain-  
3 ing such suitable drill-rooms, offices, armories, or headquar-  
4 ters as prescribed in section ninety-three, and any municipal  
5 officer who fails, refuses, or neglects to take effective meas-  
6 ures for providing and maintaining a suitable target range as  
7 prescribed in section ninety-four, shall be guilty of a mis-  
8 demeanor, prosecuted by complaint or indictment before a

9 court of competent jurisdiction, and upon conviction shall be  
10 fined not less than one hundred dollars nor more than four  
11 hundred dollars, or imprisoned for not less than three  
12 months nor more than six months, or shall suffer both such  
13 fine and imprisonment, which fine shall be paid into the state  
14 treasury and credited to the military fund.

Sect. 96. All municipalities in this state are hereby given  
2 power and authority to build or acquire by purchase, lease,  
3 gift, or otherwise, suitable armories, drill-rooms, headquar-  
4 ters offices, and the land necessary therefor and for target  
5 ranges for such organizations of the national guard and  
6 naval militia as may be stationed or located therein, and to  
7 provide for the maintenance and repair of the same; and all  
8 municipalities are hereby authorized, and it shall be the duty  
9 of the officers thereof, to raise money by taxation or other-  
10 wise for the purpose of providing suitable armories, drill-  
11 rooms, headquarters offices and target ranges for such organ-  
12 izations of the national guard and naval militia as may be  
13 stationed and located therein, in such manner as is by law  
14 provided for the erection and maintenance of all municipal  
15 public buildings and improvements.

Sect. 97. All armories, drill-rooms, offices, headquarters  
2 offices, and target ranges, owned by the state or by any  
3 municipality, or by any organization of the national guard  
4 and all buildings and lands leased by the state, or by any  
5 municipality, or by an officer or organization of the national  
6 guard, to be used as an armory, drill-room, headquarters

7 office, target range, or for other military purposes shall be  
8 exempt from taxation for all purposes during the period of  
9 such ownership, lease and use.

Sect. 98. All armories, drill rooms, offices and headquar-  
2 ters offices, shall be subject always to the provisions of law  
3 and the regulations prescribed by proper authority; and said  
4 armories, drill-rooms, offices and headquarters offices, shall  
5 be held for the exclusive use of the national guard unless  
6 otherwise authorized by the general regulations for the gov-  
7 ernment of armories prescribed by the armory commission,  
8 or by special authority of the chairman of said commission  
9 after application in special cases by the municipal authori-  
10 ties in writing. Should any municipal officer use such build-  
11 ings without authority, or abuse the authority or privilege  
12 so granted, they and each of them shall, in each such case, be  
13 deemed guilty of a misdemeanor and shall be punished as  
14 prescribed in section ninety-five.

Sect. 99. Armory Commission. The adjutant general, to-  
2 gether with two officers of the line of the national guard of  
3 or above the grade of captain and two civilians appointed by  
4 the governor for a term of four years unless sooner relieved  
5 by proper authority and eligible to reappointment for a like  
6 period, shall constitute an armory commission of which the  
7 adjutant general shall be the chairman, whose duty it shall be  
8 to exercise general supervision and control over all armories,  
9 drill-rooms, and headquarters offices, to consult and co-  
10 operate with the municipal authorities and to devise effective

11 means of obtaining and maintaining such armories, and to  
12 fix, subject to the approval of the governor, the compensa-  
13 tion to be allowed to the municipalities as rent for them; they  
14 shall have the power, after consulting and hearing the  
15 responsible municipal officers, to determine the administra-  
16 tive question of military suitability and adequate main-  
17 tenance of all armories, drill-rooms, offices, and headquarters  
18 offices; and it shall be their duty to notify the responsible  
19 municipal officers of all deficiencies in these respects, and  
20 should such officers fail, refuse or neglect to take effective  
21 measures for providing such suitable buildings and their  
22 maintenance, the chairman of the commission shall initiate  
23 the prosecution prescribed by section ninety-five. For each  
24 day actually employed in the transaction of the business of  
25 the armory commission military members other than the  
26 adjutant general shall receive the pay of their rank as pro-  
27 vided in section eighty-eight and civilian members shall re-  
28 ceive as compensation the sum of five dollars; and all mem-  
29 bers shall be reimbursed for actual traveling expenses, such  
30 accounts to be paid from the military fund in accordance  
31 with the provisions of section ninety.

Sect. 100. State Armories. The governor is authorized to  
2 accept in the name of the state donations of lands and build-  
3 ings to be used for military purposes by the national guard  
4 or naval militia under such conditions as the donors may  
5 nominate; lands and buildings so donated shall be subject  
6 to the rules and regulations prescribed by the governor; and

7 provided further that when any building is turned over to  
8 the state for use as an armory or drill shed the armory com-  
9 mission shall be authorized to approve for payment from the  
10 appropriation for armory rentals such sums as may be neces-  
11 sary for the upkeep of such building including repairs, fur-  
12 nishings, light, heat, water and janitor service.

Sect. 101. Whenever the military fund shall be sufficient  
2 to warrant such expenditures, the armory commission may,  
3 with the approval and by direction of the governor, erect  
4 upon lands donated to the state for the purpose either by  
5 municipalities, corporations or individuals, armories, drill-  
6 rooms, headquarters offices or other buildings for military  
7 purposes.

Sect. 102. Courts-martial. Courts-martial in the national  
2 guard shall be of three kinds, namely, general courts-martial,  
3 special courts-martial, and summary courts-martial. They  
4 shall be constituted, and have cognizance of the same sub-  
5 jects and possess like powers, except as to punishments, as  
6 similar courts provided for by the laws and regulations gov-  
7 erning the army of the United States, and the proceedings of  
8 courts-martial of the national guard shall follow the forms  
9 and modes of procedure prescribed for said similar courts.

Sect. 103. The rules of evidence in all courts-martial shall  
2 follow in general, so far as apposite, the common law rules  
3 of evidence as observed by the courts of this state in crim-  
4 inal cases, but a certain latitude in the introduction of evi-  
5 dence and the examination of witnesses by an avoidance

6 of restrictive rules is permissible when it is in the interest  
7 of the administration of military justice. The accused shall,  
8 at his own request but not otherwise, be a competent wit-  
9 ness; and his failure to make such request shall not create  
10 any presumption against him.

Sect. 104. Presidents of courts-martial and summary court  
2 officers shall have power to issue, in the name of the state,  
3 warrants directing any sheriff or constable to arrest ac-  
4 cused persons and bring them before the court for trial,  
5 and the accused shall have the right to demand the nature  
6 and cause of the accusation against him, and to be presented  
7 with a copy of the charges. He shall have the right of  
8 being heard by himself or counsel or both; and shall have  
9 compulsory process for obtaining witnesses in his favor.

Sect. 105. Presidents of courts-martial and any summary  
2 court officer shall have power to summon the necessary wit-  
3 nesses for the trial of cases and for that purpose shall have  
4 power to issue, in the name of the state, all necessary sub-  
5 poenas and subpoenas *deces tecum*. They shall have power  
6 to issue the like processes to compel witnesses to appear  
7 and testify which courts of criminal jurisdiction within this  
8 state may lawfully issue. Such writs and processes may  
9 be directed to any sheriff or constable whose duty it shall  
10 be to serve or execute such writ and process when issued  
11 by the civil courts of criminal jurisdiction in this state.

The attendance of witnesses in the military service of the  
2 state may be procured by the service of formal subpoena,

3 or by the order of competent military authority; and every  
4 person in the military service of the state who being duly  
5 subpoenaed or ordered to appear as a witness before the  
6 courts-martial wilfully neglects or refuses to appear or re-  
7 fuses to qualify as a witness, or to testify or produce docu-  
8 mentary evidence, shall be deemed guilty of disobedience  
9 of orders and punished by a courts-martial accordingly; and  
10 every person not belonging to the military service of the  
11 state who being duly subpoenaed to appear as a witness be-  
12 fore a courts-martial wilfully neglects or refuses to appear  
13 or refuses so to qualify, testify or produce documentary  
14 evidence, shall be deemed guilty of a misdemeanor and  
15 prosecuted like other misdemeanors in any court of com-  
16 petent jurisdiction and punished by a fine not exceeding  
17 one hundred dollars; provided that such witness may plead  
18 as a defense that he was not tendered one day's fee and  
19 mileage for the journey to and from the place of trial; and  
20 provided, that all witnesses shall receive the fees prescribed  
21 by statute for witnesses in the supreme judicial court, such  
22 amounts to be paid by the adjutant general; and provided  
23 that no witness shall be compelled to incriminate himself  
24 or to answer any question which may tend to incriminate  
25 or degrade him.

Sect. 106. All courts-martial of the national guard includ-  
2 ing summary courts shall have power to sentence to con-  
3 finement in lieu of fines authorized to be imposed; provided,

4 that such sentence of confinement shall not exceed one day  
5 for each dollar of fine and cost authorized.

All processes, warrants and sentences of courts-martial  
2 shall be executed by civil officers in this state the same as  
3 like precepts of the supreme judicial court are executed in  
4 the state and all such processes, warrants and sentences  
5 when issued by any courts-martial shall extend to any part  
6 of the state.

Sect. 107. When the sentence of a courts-martial ad-  
2 judges a fine and costs against any person, and such sen-  
3 tence has been approved as provided in article forty-six,  
4 section one hundred and forty of this act, or whenever a  
5 person in the military service is ordered confined to await  
6 trial or is sentenced to confinement by a courts-martial, or  
7 whenever any person is ordered into confinement at a place  
8 or station not provided with a guard house or military  
9 prison, the governor, the court or officer ordering the court,  
10 or the officer commanding for the time being, as the case  
11 may be, shall issue a warrant of commitment directed to  
12 the sheriff of the county in which the courts-martial was  
13 held, directing him to take the body of the person so con-  
14 victed and confine him in the county jail; and it shall be the  
15 duty of the sheriff to take the body of the person convicted  
16 and confine him in the county jail for the time specified in  
17 the sentence, or for one day for any fine not exceeding one  
18 dollar, and one additional day for every dollar above that  
19 sum, and one additional day for each dollar of cost. The



costs of arrest and commitment in all courts-martial proceedings shall be the same as is prescribed in revised statutes of this state for such service in the courts of this state and shall be paid by the adjutant general from the military fund on presentation of all papers or copies of papers showing the service thereon. Such papers and copies to be certified as correct by the judge advocate or summary court.

Sect. 108. Whenever by any of the articles of section one hundred and forty the punishment on conviction of any military offense is left to the discretion of the courts-martial, the punishment shall not exceed, in the case of officers, dismissal from the service; forfeiture of all pay and allowances; a reprimand; a fine of two hundred dollars and cost; and in the case of enlisted men, dishonorable discharge from the service; reduction of non-commissioned officers to the ranks; to forfeiture of six months pay and allowance; a fine of one hundred dollars and cost. Within such maximum limit the governor may prescribe in the case of enlisted men a lesser limit which a courts-martial shall not exceed, and if no such limit be prescribed any fine awarded shall not exceed the amount of forfeiture prescribed in the executive order establishing maximum limits of punishment for enlisted men in the regular army.

Sect. 109. The jurisdiction of the courts and boards established by this act shall be presumed, and the burden of proof shall rest on any person seeking to oust such courts or boards of jurisdiction in any action or proceeding.

No action or proceeding shall be prosecuted or maintained  
2 against a member of the military forces of this state or  
3 officer or person, acting under its authority or reviewing its  
4 proceedings on account of the approval or imposition or  
5 execution of any sentence, or the imposition or collection of  
6 any fine or penalty, or the execution of any warrant, writ,  
7 execution, process, or mandate of a military court.

Sect. 110. Officers of the judge advocate general's depart-  
2 ment, judge advocates of courts-martial, and summary court  
3 officers, are hereby authorized to administer oaths for the  
4 purpose of military administration, and shall charge no fee  
5 for the same.

Sect. 111. Each summary court and the judge advocate of  
2 each special court shall, at the end of each month, make a  
3 report to the adjutant general of the cases tried, setting forth  
4 the offense committed and the penalty awarded, which re-  
5 ports may be destroyed when no longer of use.

Sect. 112. The provisions in regard to courts and boards  
2 established by this act shall apply, so far as apposite, to the  
3 naval militia.

Sect. 113. Training of the National Guard. Each com-  
2 pany, troop, battery, and detachment in the national guard  
3 shall assemble for drill and instruction, including indoor tar-  
4 get practice, not less than forty-eight times each year, and  
5 shall, in addition thereto, participate in encampments,  
6 maneuvers, or other exercises, including outdoor target prac-  
7 tice, at least fifteen days in training each year, including

8 target practice, unless such company, troop, battery, or de-  
9 tachment shall have been excused from participation in any  
10 part thereof by the secretary of war: Provided, that credit  
11 for an assembly for drill or for indoor target practice shall  
12 not be given unless the number of officers and enlisted men  
13 present for duty at such assembly shall equal or exceed a  
14 minimum to be prescribed by the governor, nor unless the  
15 period of actual military duty and instruction participated in  
16 by each officer and enlisted man at each such assembly at  
17 which he shall be credited as having been present shall be of  
18 at least one and one-half hours' duration and the character  
19 of training such as may be prescribed by the governor or  
20 secretary of war.

Sect. 114. When any part of the national guard partici-  
2 pates in encampments, maneuvers, or other exercises, includ-  
3 ing outdoor target practice, for field or coast-defense instruc-  
4 tion at a United States military post, or reservation, or else-  
5 where, if in conjunction with troops of the United States, the  
6 command of such military post or reservation and of the offi-  
7 cers and troops of the United States on duty there or else-  
8 where shall remain with the commander of the United States  
9 troops without regard to the rank of the commanding or other  
10 officer of the national guard temporarily engaged in the en-  
11 campments, maneuvers, or other exercises.

Sect. 115. Uniforms, Arms and Equipment. The uniform,  
2 arms and equipment of the national guard shall be the same  
3 as those of the regular army and navy of the United States,

4 except that on articles of uniform and equipment the dis-  
5 tinguished letters "Me." may be substituted for the letters  
6 "U. S."; each organization of the national guard and every  
7 enlisted man thereof shall be uniformed, armed, and  
8 equipped, as is or may hereafter be prescribed or provided by  
9 the laws and regulations of the United States for the na-  
10 tional guard, and no member or organization of the national  
11 guard shall adopt, use or wear in the military service of the  
12 state any other uniform, arms, or equipment.

All commissioned officers shall provide themselves with  
2 such uniforms, arms, and equipment as are required of com-  
3 missioned officers of the regular army and the adjutant gen-  
4 eral may purchase and issue as state property on memoran-  
5 dum receipt or sell for cash to commissioned officers such  
6 articles of arms, uniforms, and equipment as he may deem  
7 necessary.

The clothes, arms, military outfit, and accoutrements fur-  
2 nished by or through the state to a member of the active  
3 militia and the uniforms, arms, and equipment required of  
4 commissioned officers shall not be subject to any suit, dis-  
5 tress, execution, or sale for debt or payment of taxes.

Sect. 116. Every person, other than an officer or enlisted  
2 man of the national guard of this state, or of any other state,  
3 or of the United States army, navy, marine corps, or reve-  
4 nue or forest service, or a member of any service of the  
5 United States for whom such uniform has been prescribed  
6 by proper authority, or inmate of any veterans' or soldiers'

7 home, or a member of the Grand Army of the Republic,  
8 or of the Sons of Veterans or the Boy Scouts of America  
9 who at any time wears the uniform of the United States  
10 army or navy or national guard of this state, or any part  
11 of such uniform, or a uniform or a part of a uniform simi-  
12 lar thereto, within the limits of this state, shall be guilty of  
13 a misdemeanor, and shall upon conviction be punished by  
14 a fine not exceeding three hundred dollars, or by imprison-  
15 ment in the county jail not exceeding six months, or by both  
16 such fine and imprisonment; provided, that nothing in this  
17 act shall be construed as prohibiting persons of the theatri-  
18 cal profession from wearing such uniform in any playhouse  
19 or theatre actually engaged in following said profession, and  
20 provided that nothing in this act shall be construed as pro-  
21 hibiting the uniform rank of civic societies parading or  
22 traveling in a body or assembling in a lodge room; and  
23 provided further that whenever the national guard or any  
24 part thereof is in active service, or is called into active ser-  
25 vice, no civic organization or member thereof shall parade  
26 or appear in uniform in the locality where said national  
27 guard is in service.

Sect. 117. The clothes, arms, military outfits, and accou-  
2 trements furnished by or through the state to any member  
3 of the national guard shall not be sold, bartered, exchanged,  
4 pledged, loaned, or given away; and no person not a mem-  
5 ber of the military forces of this state or of the United  
6 States, or duly authorized officer or agent of the state or

7 of the United States, who has possession of any such  
8 clothes, arms, military outfit, or accoutrements, so fur-  
9 nished and which have been the subject of any such un-  
10 lawful disposition, shall have any right, title, or interest  
11 therein; but the same shall be seized and taken wherever  
12 found by any officer of the state, civil or military, and shall  
13 thereupon be delivered to any commanding officer or other  
14 officer authorized to receive the same, who shall make an  
15 immediate report to the adjutant general. The possession  
16 of any such clothes, arms, military outfits, or accoutrements  
17 by any person not a member of the military forces of the  
18 state or of the United States shall be presumptive evidence  
19 of such sale, barter, exchange, pledge, loan, or gift.

Sect. 118. Any person who shall sell, or offer for sale,  
2 barter, exchange, pledge, loan, or give away, secrete or re-  
3 tain after demand made by any officer of the state, civil or  
4 military, any clothes, arms, military outfits, or accoutre-  
5 ments furnished by or through the state to a member of  
6 the national guard, or who shall receive by purchase, barter,  
7 exchange, pledge, loan, or gift, any such clothes, arms, mili-  
8 tary outfits, or accoutrements shall be guilty of a misde-  
9 meanor and punished by a fine not exceeding one hundred  
10 dollars or by imprisonment not exceeding six months, or  
11 by both such fine and imprisonment.

Sect. 119. The adjutant general shall, whenever it may  
2 be necessary, make arrangements for the repair, cleansing,  
3 and renovation of all clothes, arms, military outfits, or ac-

4 coutrements on hand or issued to any organization of the  
5 national guard; and when the necessity of such repair,  
6 cleansing, or renovation is due to the fault or negligence  
7 of any member of the national guard, the cost thereof shall  
8 be charged against any pay due or to become due such  
9 member or recovered in the same manner as a fine, for-  
10 feiture, or penalty, as prescribed by this chapter.

Sect. 120. The inspector general or such other military  
2 officer as the adjutant general may designate, shall inspect  
3 and condemn public military property which has become  
4 unfit for use; no property shall be sold until it has been  
5 so inspected and condemned, and such condemnation ap-  
6 proved by the governor; and the proceeds of sales of con-  
7 demned material, stores, supplies, or other public military  
8 property of every kind shall be deposited with the adjutant  
9 general, paid into the state treasury, and credited to the  
10 military fund.

Sect. 121. All property furnished by the state shall remain  
2 and continue to be the property of the state, to be used for  
3 military purposes only, and when not so in use shall be kept  
4 in the armories or designated places of deposit provided,  
5 however, that upon order of the governor and council, the  
6 quartermaster general is authorized to issue to the municipal  
7 officers of any city or town field ordnance of obsolete pattern  
8 under such regulations as the governor and council may pre-  
9 scribe. Every officer receiving public property for military  
10 use shall be held responsible for the safekeeping and the

11 return of the same when called for; he shall account for and  
12 make such returns thereof as may be prescribed whenever  
13 called upon so to do by the governor or other proper author-  
14 ity. Each officer accountable for state or federal property  
15 issued to him for use of an organization of the national  
16 guard shall be required to give a bond to the adjutant general  
17 of the state of Maine in the sum of one thousand dollars,  
18 conditioned on the safekeeping and return, when called for,  
19 of all such state and federal property in good condition, rea-  
20 sonable wear and tear excepted, and the expenses incurred  
21 by entering into such bond shall be paid for from the mili-  
22 tary fund.

Sect. 122. Any officer, enlisted man or other person, who  
2 shall wilfully or maliciously destroy, injure or deface any  
3 article of military property belonging to the state, or shall  
4 use it for other than military purposes, or shall have or re-  
5 tain the same in violation of law or regulations shall be pun-  
6 ished by a fine not exceeding fifty dollars. And in case any  
7 officer or enlisted man of the national guard who has at any  
8 time through carelessness or inattention lost, destroyed or  
9 suffered to be lost or destroyed, any state or government  
10 property which has been issued for his use, the paymaster  
11 general shall retain out of the pay or allowances or moneys  
12 due such officer or enlisted man for any military services  
13 whatsoever, an amount of money equal to the value of the  
14 property so lost or destroyed, and money so retained shall be  
15 credited to the account of such officer of the national guard



16 as may be accountable to the state for said property. Such  
17 portion of said money as shall be for state property shall be  
18 turned in to the treasurer of the state, to be credited to the  
19 military fund, and such portion as may be for United States  
20 property shall be turned in to the United States treasury to  
21 be credited to the state on its property returns.

Sect. 123. Exempt from Arrest. Every person belonging  
2 to the national guard of the state shall in all cases, except  
3 felony and breach of the peace, be privileged from arrest  
4 while going to, remaining at, or returning from any place at  
5 which he may be required to attend for the election of  
6 officers or other military duty.

Sect. 124. Exempt from Jury Duty. Every member of  
2 the national guard, every retired officer, and every enlisted  
3 man holding the certificate of merit shall be exempt from all  
4 jury duty; production of a certificate from the claimant's  
5 commanding officer showing that the holder is a member of  
6 the national guard, or a certificate of retirement, or of a cer-  
7 tificate of merit, or the sworn statement of the claimant that  
8 he is such member, retired officer, or holder of a certificate of  
9 merit, shall be prima facie proof that the claimant is entitled  
10 to the exemption.

Sect. 125. Voluntary Service. No organization of the na-  
2 tional guard shall perform any voluntary military service ex-  
3 cept as authorized by this act or by the express orders of the  
4 governor.

Sect. 126. Permission to leave or enter the State. No or-

2 ganization of the national guard shall leave the state, and no  
3 military organization of another state, unless acting under  
4 the authority of the United States, shall enter the state, ex-  
5 cept in each case by permission of the governor.

Section 127. Military Organizations other than the  
2 National Guard prohibited. No body of men, other than the  
3 national guard and the troops of the United States, shall  
4 associate themselves together as a military company or or-  
5 ganization, or parade in public with firearms in any city or  
6 town of this state; nor shall any city or town raise or appro-  
7 priate any money toward arming, equipping, uniforming or  
8 in any other way supporting, sustaining or providing drill  
9 rooms or armories for any such body of men; but associa-  
10 tions wholly composed of soldiers and sailors honorably dis-  
11 charged from the service of the United States and the order  
12 known as the Sons of Veterans may parade at any time in  
13 public with fire-arms, having first obtained the written per-  
14 mission of the city or municipal officers of the town or city  
15 in which they reside to parade, and students in educational  
16 institutions where military science is taught as a prescribed  
17 part of the course of instruction, may, with the consent of  
18 the governor, drill and parade with fire-arms in public under  
19 the superintendence of their military instructors. Any per-  
20 son violating any provision of this section shall be deemed  
21 guilty of a misdemeanor and punished by a fine not exceed-  
22 ing ten dollars, or by imprisonment not exceeding six  
23 months, or by both such fine and imprisonment.

Sect. 128. Right of Way. The commanding officer of  
2 any portion of the national guard parading or performing  
3 any military duty in any street or highway, may require  
4 any or all persons in such street or highway, to yield the  
5 right of way to such national guard, provided the carriage  
6 of the United States mail, the legitimate functions of the  
7 police and the progress and operations of the hospital am-  
8 bulances, fire engines and fire departments, and apparatus  
9 of the insurance patrol shall not be interfered with thereby.  
10 All others who shall hinder, delay, or obstruct any portion  
11 of the national guard whenever parading or performing any  
12 military duty, or who shall attempt so to do, shall be guilty  
13 of a misdemeanor.

Sect. 129. Fixing Bounds and Limits to Camps. Every  
2 commanding officer, when on duty as such, may fix neces-  
3 sary bounds and limits to his camp, or parade, not includ-  
4 ing a road so as to prevent passing. Whoever intrudes  
5 within the limits of the parade, camp or armory, after be-  
6 ing forbidden, or resists a sentinel who attempts to put him  
7 or keep him out of such limits, or in any manner interrupts  
8 or molests the orderly discharge of duty by those under  
9 arms, or disturbs, hinders, or prevents the passage of troops  
10 going to or returning from any duty, may, at the discretion  
11 of the commanding officer, be confined under guard not  
12 exceeding twenty-four hours. Such authority of an officer  
13 commanding a camp may be extended by order of the com-  
14 mander-in-chief to a distance not exceeding one-half mile

15 around such camp; provided, that the owner or owners of  
16 the external space within such distance of the camp, and  
17 their agents or servants shall not be hindered or prevented  
18 from entering upon such space for the purpose of using,  
19 occupying, and improving the same, in the same manner in  
20 which they used, occupied, and improved the same at the  
21 time when the camp was established. The commanding offi-  
22 cer of any camp or armory shall prohibit the introduction  
23 or sale of, or dealing in, beer, wine, or any intoxicating  
24 liquor, within the limits or extended limits of the camp or  
25 within the armory, and he may abate as common nuisances  
26 all such sales and introductions.

Sect. 130. Cannot Deprive of Employment. Any person  
2 who, either by himself or with another, wilfully deprives a  
3 member of the national guard or naval militia of his em-  
4 ployment, or prevents his being employed by himself or  
5 another, or obstructs or annoys said member of said na-  
6 tional guard or naval militia or his employer in respect of  
7 his trade, business, or employment, because said member  
8 of said national guard or naval militia is such member, or  
9 dissuades any person from enlisting in the said national  
10 guard or naval militia by threat of injury to him in case  
11 he shall so enlist, in respect of his employment, trade, or  
12 business, shall be deemed guilty of a misdemeanor and upon  
13 conviction thereof shall be punished by a fine not exceed-  
14 ing five hundred dollars, or by imprisonment not exceeding  
15 six months, or by both such fine and imprisonment.

Sect. 131. Cannot Discriminate Against. No association  
2 or corporation, constituted or organized for the purpose of  
3 promoting the success of the trade, employment, or busi-  
4 ness of the members thereof, shall by any constitution, rule,  
5 by-law, resolution, vote, or regulation, discriminate against  
6 any member of the national guard or naval militia because  
7 of such membership, in respect of the eligibility of such  
8 member of the national guard or naval militia to member-  
9 ship in such association or corporation, or in respect to  
10 his rights to retain said last mentioned membership; and  
11 any person who aids in enforcing any such provisions  
12 against a member of the said national guard or naval militia  
13 with intent to discriminate against him because of such  
14 membership, shall be guilty of a misdemeanor and upon con-  
15 viction thereof shall be punished by a fine not exceeding  
16 five hundred dollars, or by imprisonment not exceeding six  
17 months, or by both such fine and imprisonment.

Sect. 132. Whoever shall unlawfully molest, insult, or  
2 abuse any member of the national guard or naval militia,  
3 while in the performance of his military duty, shall be  
4 deemed guilty of a misdemeanor and on conviction thereof,  
5 shall be punished by a fine not to exceed five hundred dol-  
6 lars, or by imprisonment not exceeding six months, or by  
7 both such fine and imprisonment.

Sect. 133. Offenses May be Prosecuted Before Civil  
2 Court. Offenses against the provisions of this chapter,  
3 except when they are purely military and committed by a

4 person subject to military jurisdiction, may, unless a dif-  
5 ferent remedy is specially provided, be prosecuted by com-  
6 plaint or indictment before a court of competent criminal  
7 jurisdiction; and all fines and forfeitures collected under  
8 the provisions of this chapter, the disposition whereof is  
9 not otherwise specially provided for, shall be paid into the  
10 state treasury and credited to the military fund.

Sect. 134. Civil officers named in this chapter, neglect-  
2 ing or refusing to obey its provisions, shall be guilty of  
3 misdemeanor.

Sect. 135. Company By-Laws. Companies of the na-  
2 tional guard may make by-laws, subject to the written ap-  
3 proval of the adjutant general, not repugnant to law, orders,  
4 or regulations, and fix a sum to be paid by any member of  
5 such company for non-compliance therewith not exceeding  
6 five dollars. Any member who fails to pay such sum so  
7 fixed, within thirty days after notification that the same is  
8 due, shall be deemed guilty of conduct to the prejudice of  
9 good order and military discipline, and punished by a court-  
10 martial accordingly; and all forfeiture resulting therefrom  
11 shall be paid into the company treasury.

Sect. 136. National Guard Association. The commis-  
2 sioned officers of the national guard may organize them-  
3 selves into an association the name of which shall be The  
4 National Guard Association of the State of Maine. Such  
5 association may adopt a constitution and by-laws not re-  
6 pugnant to law, orders, or regulations, and alter and amend

7 the same, and may take and hold such real and personal  
8 property as may be necessary for the purposes of the asso-  
9 ciation.

Sect. 137. Regulations. The governor is hereby author-  
2 ized to make such rules and regulations as he may deem  
3 expedient, but such rules and regulations shall conform to  
4 this chapter, and regulations published by the Militia Bu-  
5 reau of the War Department for the government of the  
6 national guard of the United States, as nearly as practi-  
7 cable, to those governing the United States army and navy,  
8 and when promulgated, shall have the same force and effect  
9 as the provisions of this chapter. The rules and regula-  
10 tions in force at the time of the passage of this chapter,  
11 and not inconsistent herewith, shall remain in force until  
12 new rules and regulations are approved and promulgated.

Sect. 138. When Subject to Laws Governing Regular  
2 Army. The national guard when called as such into the  
3 service of the United States shall, from the time they are  
4 required by the terms of the call to respond thereto, be  
5 subject to the laws and regulations governing the regular  
6 army, so far as such laws and regulations are applicable to  
7 officers and enlisted men whose permanent retention in the  
8 military service, either on the active list or on the retired  
9 list, is not contemplated by existing law.

Sect. 139. Whenever any portion of the militia not be-  
2 ing in the service of the United States shall be on duty or  
3 ordered to assemble for duty by the governor in time of

4 actual war, insurrection, invasion or rebellion, the articles  
5 of war governing the army of the United States, the arti-  
6 cles for the government of the United States navy, and the  
7 regulations prescribed for the army and navy of the United  
8 States, so far as consistent with this chapter and the regu-  
9 lations issued thereunder, shall be in force and regarded as  
10 a part of this chapter until said forces shall duly be relieved  
11 from such duty during such state of actual war, insurrec-  
12 tion, invasion, or rebellion; but no punishment under such  
13 rules and articles which shall extend to the taking of life,  
14 shall in any case be inflicted until the approval by the gov-  
15 ernor of the sentence inflicting such punishment.

Sect. 140. Rules and Articles Governing the National  
2 Guard. Except as provided in the preceding sections the  
3 officers and soldiers of any troops whether national guard  
4 or unorganized militia of this state or otherwise, appointed,  
5 enlisted, mustered or drafted into the military forces of  
6 this state, shall, at all times, and in all places, be governed  
7 by the following rules and articles and shall be subject to  
8 be tried by courts-martial.

#### I. PRELIMINARY PROVISIONS.

Article 1. Definitions: The following words when used  
2 in these articles shall be construed in the sense indicated in  
3 this article, unless the context shows that a different sense is  
4 intended, namely:

- (a) The word "officer" shall be construed to refer to a  
2 commissioned officer;



(b) The word “soldier” shall be construed as including a  
2 non-commissioned officer, a private, or any other enlisted  
3 man;

(c) The word “company” shall be understood as includ-  
2 ing a troop or battery; and

(d) The word “battalion” shall be understood as includ-  
2 ing a squadron.

Art. 2. Persons subject to Military Law: The following  
2 persons are subject to these articles and shall be understood  
3 as included in the term “any person subject to military law,”  
4 or “persons subject to military law,” whenever used in these  
5 articles: .

(a) All officers and soldiers belonging to the national  
2 guard of the state of Maine; all volunteers, from the dates of  
3 muster or acceptance into the military service of the state of  
4 Maine; and all other persons lawfully called, drafted or or-  
5 dered into, or to duty or for training in, the said service,  
6 from the dates they are required by the terms of the call,  
7 draft, or order to obey the same:

(e) All persons under sentence adjudged by courts-  
2 martial.

## II. COURTS-MARTIAL.

Art. 3. Courts-Martial Classified: Courts-martial shall  
2 be of three kinds, namely:

First, general courts-martial;

Second, special courts-martial; and

Third, summary courts-martial.

## A. COMPOSITION.

Art. 4. Who may serve on Courts-Martial: All officers  
2 in the military service of the Maine national guard shall be  
3 competent to serve on courts-martial for the trial of any  
4 persons who may lawfully be brought before such courts for  
5 trial.

Art. 5. General Courts-Martial: General courts-martial  
2 may consist of any number of officers from five to thirteen,  
3 inclusive; but they shall not consist of less than thirteen,  
4 when that number can be convened without manifest injury  
5 to the service.

Art. 6. Special Courts-Martial: Special courts-martial  
2 may consist of any number of officers from three to five, in-  
3 clusive.

Art. 7. Summary Courts-Martial: A summary courts-  
2 martial shall consist of one officer.

## B. BY WHOM APPOINTED.

Art. 8. General Courts-Martial: The President of the  
2 United States and the governor of the state of Maine may  
3 appoint general courts-martial.

Art. 9. Special Courts-Martial: The commanding officer  
2 of a district, garrison, fort, camp, or other place where  
3 troops are on duty, and the commanding officer of a brigade,  
4 regiment, detached battalion, or other detached command  
5 may appoint special courts-martial; but when any such com-  
6 manding officer is the accuser or the prosecutor of the person  
7 or persons to be tried, the court shall be appointed by

8 superior authority, and may in any case be appointed by  
9 superior authority when by the latter deemed desirable; and  
10 no officer shall be eligible to sit as a member of such court  
11 when he is the accuser or a witness for the prosecution.

Art. 10. Summary Courts-Martial: The commanding  
2 officer of a garrison, fort, camp, or other place where troops  
3 are on duty, and the commanding officer of a regiment, de-  
4 tached battalion, detached company, or other detachment  
5 may appoint summary courts-martial; but such summary  
6 courts-martial may in any case be appointed by superior  
7 authority when by the latter deemed desirable: Provided,  
8 That when but one officer is present with a command he shall  
9 be the summary courts-martial of that command and shall  
10 hear and determine cases brought before him.

Art. 11. Appointment of Judge Advocates: For each  
2 general or special court-martial the authority appointing the  
3 court shall appoint a judge advocate, and for each general  
4 court-martial one or more assistant judge advocates when  
5 necessary.

### C. JURISDICTION.

Art. 12. General Courts-Martial: General courts-martial  
2 shall have power to try any person subject to military law  
3 for any crime or offense made punishable by the military  
4 law. Such courts shall have power to impose fines not ex-  
5 ceeding two hundred dollars; to sentence to forfeiture of six  
6 months' pay and allowances; to a reprimand; to dismissal or  
7 dishonorable discharge from the service; to reduction of

8 non-commissioned officers to the ranks; or any two or more  
9 of such punishments may be combined in the sentences im-  
10 posed by such courts.

Art. 13. Special Courts-Martial: Special courts-martial  
2 shall have power to try any person subject to military law,  
3 except an officer, for any crime or offense, not capital, made  
4 punishable by the military law: Provided, That the gov-  
5 ernor may, by regulations, which he may modify from time  
6 to time, except from the jurisdiction of special courts-  
7 martial any class or classes of persons subject to military  
8 law.

Such courts shall have power to impose fines not exceeding  
2 one hundred dollars; to sentence to reduction of non-com-  
3 missioned officers to the ranks; to forfeiture of six months'  
4 pay and allowances, or any two or more of such punishments  
5 may be combined in the sentence imposed by such courts.

Art. 14. Summary Courts-Martial. Summary courts-  
2 martial shall have power to try any person subject to mili-  
3 tary law, except an officer, for any crime or offense, not capi-  
4 tal made punishable by the military law: Provided, That the  
5 governor may, by regulations, which he may modify from  
6 time to time, exempt from the jurisdiction of summary  
7 courts-martial any class or classes of persons subject to mili-  
8 tary law.

Such courts shall have power to impose fines not exceeding  
2 twenty-five dollars for any single offense; to sentence to for-  
3 feiture of three months' pay and allowances; to reduction of

4 non-commissioned officers to the ranks; or any two or more  
5 of such punishments may be combined in the sentence im-  
6 posed by such court: Provided, That when the summary  
7 court officer is also the commanding officer no sentence of  
8 such summary courts-martial adjudging forfeiture of pay for  
9 a period in excess of one month shall be carried into execu-  
10 tion until the same shall have been approved by superior  
11 authority.

Art. 15. Not Exclusive: The provisions of these articles  
2 conferring jurisdiction upon courts-martial shall not be con-  
3 strued as depriving military commissions, provost courts, or  
4 other military tribunals of concurrent jurisdiction in respect  
5 to offenders or offenses and by the law of war may be law-  
6 fully triable by such military commissions, provost courts, or  
7 other military tribunals.

Art. 16. Officers; How Triable: Officers shall be triable  
2 only by general courts-martial, and in no case shall an offi-  
3 cer, when it can be avoided, be tried by officers inferior to  
4 him in rank.

#### D. PROCEDURE.

Art. 17. Judge Advocate to Prosecute: The judge advo-  
2 cate of a general or special court-martial shall prosecute in  
3 the name of the state, and shall under the direction of the  
4 court, prepare the record of its proceedings. The accused  
5 shall have the right to be represented before the court by  
6 counsel of his own selection for his defense, if such counsel  
7 be reasonably available, but should he, for any reason, be

8 unrepresented by counsel, the judge advocate shall from time  
9 to time throughout the proceedings advise the accused of his  
10 legal rights.

Art. 18. Challenges: Members of a general or special  
2 court-martial may be challenged by the accused, but only  
3 for cause stated to the court. The court shall determine  
4 the relevancy and validity thereof, and shall not receive a  
5 challenge to more than one member at a time.

Art. 19. Oaths: The judge advocate of a general or  
2 special court-martial shall administer to the members of the  
3 court, before they proceed upon any trial, the following  
4 oath or affirmation: "You, A. B., do swear (or affirm)  
5 that you will well and truly try and determine, according  
6 to the evidence, the matter now before you, between the  
7 state of Maine and the person to be tried, and that you  
8 will duly administer justice, without partiality, favor, or  
9 affection, according to the provisions of the rules and arti-  
10 cles for the government of the armies of the state of Maine,  
11 and if any doubt should arise, not explained by said arti-  
12 cles, then according to your conscience, the best of your  
13 understanding, and the custom of war in like cases; and  
14 you do further swear (or affirm) that you will not divulge  
15 the findings or sentence of the court until they shall be  
16 published by the proper authority, except to the judge ad-  
17 vocate and assistant judge advocate; neither will you dis-  
18 close or discover the vote or opinion of any particular mem-  
19 ber of the court-martial, unless required to give evidence

20 thereof as a witness by a court of justice in due course of  
21 law. So help you God."

When the oath or affirmation has been administered to the  
2 members of a general or special court-martial, the president  
3 of the court shall administer to the judge advocate and to  
4 each assistant judge advocate, if any, an oath or affirma-  
5 tion in the following form: "You, A. B., do swear (or  
6 affirm) that you will not divulge the findings or sentences  
7 of the court to any but the proper authority until they shall  
8 be duly disclosed by the same. So help you God."

All persons who give evidence before a court-martial shall  
2 be examined on oath or affirmation in the following form:  
3 "You swear (or affirm) that the evidence you shall give  
4 in the case now in hearing shall be the truth, the whole  
5 truth, and nothing but the truth. So help you God."

Every reporter of the proceedings of a court-martial shall,  
2 before entering upon his duties, make oath or affirmation  
3 in the following form: "You swear (or affirm) that you  
4 with faithfully perform the duties of reporter to this court.  
5 So help you God."

Every interpreter in the trial of any case before a court-  
2 martial shall, before entering upon the duties, make oath  
3 or affirmation in the following form: "You swear (or  
4 affirm) that you will truly interpret in the case now in hear-  
5 ing. So help you God."

In case of affirmation the closing sentence of adjuration  
2 will be omitted.

Art. 20. Continuances: A court-martial may, for rea-  
2 sonable cause, grant a continuance to either party for such  
3 time and as often as may appear to be just.

Art. 21. Refusal to Plead: When the accused, arraigned  
2 before a court-martial, from obstinacy and deliberate de-  
3 sign stands mute or answers foreign to the purpose, the  
4 court may proceed to trial and judgment as if he had plead-  
5 ed not guilty.

Art. 22. Process to Obtain Witnesses: Every judge ad-  
2 vocate of a general or special court-martial and every sum-  
3 mary court-martial shall have power to issue the like process  
4 to compel witnesses to appear and testify which courts of  
5 the state, having criminal jurisdiction, may lawfully issue.

Art. 23. Refusal to Appear or Testify. Every person  
2 not subject to military law who, being duly subpoenaed to  
3 appear as a witness before any military court, commission,  
4 court of inquiry, or board, or before any officer, military  
5 or civil, designated to take a deposition to be read in evi-  
6 dence before such court, commission, court of inquiry, or  
7 board, wilfully neglects or refuses to appear, or refuses to  
8 qualify as a witness, or to testify, or produce documentary  
9 evidence which such person may have been legally sub-  
10 poenaed to produce, shall be deemed guilty of a misde-  
11 meanor, for which such person shall be punished on infor-  
12 mation in any court having criminal jurisdiction in this  
13 state, jurisdiction being hereby conferred upon such court  
14 for such purpose; and it shall be the duty of the county



15 attorney in any such court of original criminal jurisdiction,  
16 on the certification of the facts to him by the military court,  
17 commission, court of inquiry, or board, to file an informa-  
18 tion against and prosecute the person so offending, and the  
19 punishment of such person, on conviction, shall be a fine  
20 of not more than five hundred dollars or imprisonment not  
21 to exceed six months, or both, at the discretion of the court:  
22 Provided, that the fees of such witness and his mileage,  
23 at the rates allowed to witnesses attending the courts of  
24 the state, shall be duly paid or tendered said witness, such  
25 amounts to be paid out of the military fund.

Art. 24. Compulsory Self-Incrimination Prohibited: No  
2 witness before a military court, commission, court of in-  
3 quiry, or board, or before any officer, military or civil, des-  
4 ignated to take a deposition to be read in evidence before  
5 a military court, commission, court of inquiry, or board,  
6 shall be compelled to incriminate himself or to answer any  
7 questions which may tend to incriminate or degrade him.

Art. 25. Depositions—When Admissible: A duly au-  
2 thenticated deposition taken upon reasonable notice to the  
3 opposite party may be read in evidence before any military  
4 court or commission in any case not capital, or in any pro-  
5 ceeding before a court of inquiry or a military board, if  
6 such deposition be taken when the witness resides, is found,  
7 or is about to be beyond the state, or beyond the distance  
8 of one hundred miles from the place of trial or hearing,  
9 or when it appears to the satisfaction of the court, com-

10 mission, board, or appointing authority that the witness,  
11 by reason of age, sickness, bodily infirmity, imprisonment,  
12 or other reasonable cause, is unable to appear and testify  
13 in person at the place of trial or hearing: Provided, that  
14 testimony by deposition may be adduced for the defense  
15 in capital cases.

Art. 26. Depositions—Before Whom Taken: Deposi-  
2 tions to be read in evidence before military courts, com-  
3 mission, courts of inquiry, or military boards, or for other  
4 use in military administration, may be taken before and  
5 authenticated by any officer, military or civil, authorized by  
6 the laws of the state or by the laws of the place where the  
7 deposition is taken to administer oaths.

Art. 27. Courts of Inquiry—Records of, When Admis-  
2 sible: The record of the proceedings of a court of inquiry  
3 may be read in evidence before any court-martial or mili-  
4 tary commission in any case not capital nor extending to  
5 the dismissal of an officer, and may also be read in evi-  
6 dence in any proceeding before a court of inquiry or a mili-  
7 tary board: Provided, that such evidence may be adduced  
8 by the defense in capital cases or cases extending to the  
9 dismissal of an officer.

Art. 28. Resignation Without Acceptance Does Not  
2 Release Officer: Any officer who, having tendered his  
3 resignation and prior to due notice of the acceptance of the  
4 same, quits his post or proper duties without leave and

5 with intent to absent himself permanently therefrom shall  
6 be deemed a deserter.

Art. 29. Enlistment Without Discharge: Any soldier who,  
2 without having first received a regular discharge, again en-  
3 lists in the Maine national guard, or in the army, navy or  
4 marine corps of the United States, or in any foreign army,  
5 shall be deemed to have deserted the service of the state;  
6 and, where the enlistment is in the Maine national guard  
7 mentioned above to have fraudulently enlisted therein.

Art. 30. Closed Sessions: Whenever a general or special  
2 court-martial shall sit in closed session, the judge advocate  
3 and the assistant judge advocate, if any, shall withdraw;  
4 and when their legal advice or their assistance in referring  
5 to the recorded evidence is required, it shall be obtained  
6 in open court and in the presence of the accused and of his  
7 counsel if there be any.

Art. 31. Order of Voting: Members of a general or  
2 special court-martial, in giving their votes, shall begin with  
3 the junior in rank.

Art. 32. Contempts: A court-martial may punish at dis-  
2 cretion, subject to the limitations contained in Article 14,  
3 any person who uses any menacing words, signs, or ges-  
4 tures in its presence, or who disturbs its proceedings by  
5 any riot or disorder.

Art. 33. Records—General Courts-Martial: Each gen-  
2 eral court-martial shall keep a separate record of its pro-  
3 ceedings in the trial of each case brought before it, and

4 such record shall be authenticated by the signature of the  
5 president and the judge advocate; but in case the record  
6 can not be authenticated by the judge advocate, by reason  
7 of his death, disability, or absence, it shall be signed by the  
8 president and an assistant judge advocate, if any; and if  
9 there be no assistant judge advocate, or in case of his death,  
10 disability, or absence, then by the president and one other  
11 member of the court.

Art. 34. Records—Special and Summary Courts-Martial:  
2 Each special court-martial and each summary court-  
3 martial shall keep a record of its proceedings, separate for  
4 each case, which record shall contain such matter and be  
5 authenticated in such manner as may be required by regula-  
6 tions which the governor may from time to time prescribe.

Art. 35. Disposition of Records—General Courts-Mar-  
2 tial: The judge advocate of each general court-martial  
3 shall, with such expedition as circumstances may permit, for-  
4 ward to the appointing authority or to his successor in com-  
5 mand the original record of the proceedings of such court in  
6 the trial of each case. All records of such proceedings shall,  
7 after having been finally acted upon, be transmitted to the  
8 adjutant general.

Art. 36. Disposition of Records—Special and Summary  
2 Courts-Martial: After having been acted upon by the offi-  
3 cer appointing the court, or by the officer commanding for  
4 the time being, the record of each trial by special court-  
5 martial and a report of each trial by summary court-martial

6 shall be transmitted to the adjutant general. When no  
7 longer of use, records of special and summary courts-martial  
8 may be destroyed.

Art. 37. Irregularities—Effect of: The proceedings of a  
2 court-martial shall not be held invalid, nor the findings or  
3 sentence disapproved, in any case on the ground of improper  
4 admission or rejection of evidence or for any error  
5 as to any matter of pleading or procedure unless in the  
6 opinion of the reviewing or confirming authority, after an  
7 examination of the entire proceedings, it shall appear that  
8 the error complained of has injuriously affected the sub-  
9 stantial rights of an accused: Provided, That the act or  
10 omission upon which the accused has been tried constitutes  
11 an offense denounced and made punishable by one or more  
12 of these articles: Provided further, That the omission of the  
13 words “hard labor” in any sentence of a court-martial ad-  
14 judging imprisonment or confinement shall not be construed  
15 as depriving the authorities executing such sentence of im-  
16 prisonment or confinement of the power to require hard  
17 labor as a part of the punishment in any case where it is  
18 authorized by the executive order prescribing maximum  
19 punishments.

Art. 38. Governor may prescribe rules: The governor  
2 may, by regulations which he may modify from time to time,  
3 prescribe the procedure, including modes of proof, in cases  
4 before courts-martial, courts of inquiry, military commis-  
5 sion, and other military tribunals: Provided, That nothing

6 contrary to or inconsistent with these articles shall be so  
7 prescribed.

#### E. LIMITATIONS UPON PROSECUTIONS.

Art. 39. As to Time: Except for desertion committed in  
2 time of war, or for mutiny or murder, no person subject to  
3 military law shall be liable to be tried or punished by a court-  
4 martial for any crime or offense committed more than two  
5 years before the arraignment of such person: Provided, That  
6 for desertion in time of peace or for any crime or offense  
7 punishable under Articles 93 and 94 of this code the period  
8 of limitations upon trial and punishment by court-martial  
9 shall be three years: Provided further, That the period of  
10 any absence of the accused from the jurisdiction of the state,  
11 and also any period during which by reason of some mani-  
12 fest impediment the accused shall not have been amenable to  
13 military justice, shall be excluded in computing the aforesaid  
14 periods of limitation: And provided further, That this ar-  
15 ticle shall not have the effect to authorize the trial or punish-  
16 ment for any crime or offense barred by the provisions of  
17 existing law.

Art. 40. As to Number. No person shall be tried a sec-  
2 ond time for the same offense.

#### F. PUNISHMENTS.

Art. 41. Certain kinds Prohibited: Punishment by flog-  
2 ging, or by branding, marking, or tattoooing on the body is  
3 prohibited.

Art. 42. Places of Confinement—When Lawful: Except for desertion in time of war, repeated desertion in time of peace, and mutiny, no person shall under the sentence of a court-martial be punished by confinement in the penitentiary unless an act or omission of which he is convicted is recognized as an offense of a civil nature by some statute of the state, or at the common law, or by way of commutation of a death sentence, and unless, also, the period of confinement authorized and adjudged by such court-martial is one year or more: Provided, that when a sentence of confinement is adjudged by a court-martial upon conviction of two or more acts or omissions any one of which is punishable under these articles by confinement in the penitentiary, the entire sentence of confinement may be executed.

Art. 43. Death Sentence—When Lawful: No person shall, by general court-martial, be convicted of an offense for which the death penalty is made mandatory by law, nor sentenced to suffer death, except by the concurrence of two-thirds of the members of said court-martial and for an offense in these articles expressly made punishable by death. All other convictions and sentences, whether by general or special court-martial, may be determined by a majority of the members present.

Art. 44. Cowardice; Fraud—Accessory Penalty: When an officer is dismissed from the service for cowardice or fraud, the crime, punishment, name, and place of abode of

4 the delinquent shall be published in the newspapers in the  
5 state; and after such publication it shall be scandalous for  
6 an officer to associate with him.

Art. 45. Maximum Limits: Whenever the punishment  
2 for a crime or offense made punishable by these articles is  
3 left to the discretion of the court-martial, the punishment  
4 shall not, in time of peace, exceed such limit or limits as  
5 the governor may from time to time prescribe.

G. ACTION BY APPOINTING OR SUPERIOR AUTHORITY.

Art. 46. Approval and Execution of Sentence: No sen-  
2 tence of a court-martial shall be carried into execution until  
3 the same shall have been approved by the officer appointing  
4 the court or by the officer commanding for the time being.

Art. 47. Powers Incident to Power to Approve: The  
2 power to approve the sentence of a court-martial shall be  
3 held to include:

(a) The power to approve or disapprove a finding and  
2 to approve only so much of a finding of guilty of a par-  
3 ticular offense as involves a finding of guilty of a lesser  
4 included offense when, in the opinion of the authority hav-  
5 ing power to approve, the evidence of record requires a  
6 finding of only the lesser degree of guilt; and

(b) The power to approve or disapprove the whole or  
2 any part of the sentence.

Art. 48. Confirmation—When Required: In addition to  
2 the approval required by Article 46, confirmation by the



3 governor is required in the following cases before the sen-  
4 tence of a court-martial is carried into execution, namely:

(a) Any sentence respecting a general officer;

(b) Any sentence extending to the dismissal of an offi-  
2 cer; and

(d) Any sentence of death, except in the cases of per-  
2 sons convicted in time of war of murder, rape, mutiny,  
3 desertion, or as spies.

When the authority competent to confirm the sentence has  
2 already acted as the approving authority no additional con-  
3 firmation by him is necessary.

Art. 49. Powers Incident to Power to Confirm: The  
2 power to confirm the sentence of a court-martial shall be  
3 held to include:

(a) The power to confirm or disapprove a finding, and  
2 to confirm so much only of a finding of guilty of a par-  
3 ticular offense as involves a finding of guilty of a lesser  
4 included offense when, in the opinion of the authority hav-  
5 ing power to confirm, the evidence of record requires a  
6 finding of only the lesser degree of guilt; and

(b) The power to confirm or disapprove the whole or  
2 any part of the sentence.

Art. 50. Mitigation of Remission of Sentences: The  
2 power to order the execution of the sentence adjudged by  
3 a court-martial shall be held to include, inter alia, the power  
4 to mitigate or remit the whole or any part of the sentence,  
5 but no sentence of dismissal of an officer and no sentence

6 of death shall be mitigated or remitted by any authority  
7 inferior to the governor.

Art. 53. Suspension of Sentences of Forfeiture or Con-  
2 finement: The authority competent to order the execution  
3 of a sentence adjudged by a court-martial may, if the sen-  
4 tence involve neither dismissal nor dishonorable discharge,  
5 suspend the execution of the sentence in so far as it relates  
6 to the forfeiture of pay or to confinement, or to both; and  
7 the person under sentence may be restored to duty during  
8 the suspension of confinement.

### III. PUNITIVE ARTICLES.

#### A. ENLISTMENT; MUSTER; RETURNS.

Art. 54. Fraudulent Enlistment: Any person who shall  
2 procure himself to be enlisted in the military service of the  
3 state by means of wilful misrepresentation or concealment  
4 as to his qualifications for enlistment, and shall receive pay  
5 or allowances under such enlistment, shall be punished as  
6 a court-martial may direct.

Art. 55. Officer Making Unlawful Enlistment: Any offi-  
2 cer who knowingly enlists or musters into the military ser-  
3 vice any person whose enlistment or muster in is prohibited  
4 by law, regulations, or orders, shall be dismissed from the  
5 service or suffer such other punishment as a court-martial  
6 may direct.

Art. 56. Muster Rolls—False Muster: At every muster  
2 of a regiment, troop, battery, or company the commanding  
3 officer thereof shall give to the mustering officer certificates,

4 signed by himself, stating how long absent officers have  
5 been absent and the reasons of their absence. And the  
6 commanding officer of every troop, battery, or company  
7 shall give like certificates, stating how long absent non-  
8 commissioned officers and private soldiers have been absent  
9 and the reasons of their absence. Such reasons and time  
10 of absence shall be inserted in the muster rolls opposite the  
11 names of the respective absent officers and soldiers, and the  
12 certificates, together with the muster rolls, shall be trans-  
13 mitted by the mustering officer to the adjutant general as  
14 speedily as the distance of the place and muster will admit.  
15 Any officer who knowingly makes a false muster of man  
16 or animal, or who signs or directs or allows the signing of  
17 any muster roll knowing the same to contain a false muster  
18 or false statement as to the absence or pay of an officer  
19 or soldier, or who wrongfully takes money or other con-  
20 sideration on mustering in a regiment, company, or other  
21 organization, or on signing muster rolls, or who knowingly  
22 musters as an officer or soldier a person who is not such  
23 officer or soldier, shall be dismissed from the service and  
24 suffer such other punishment as a court-martial may direct.

Art. 57. False Returns—Omission to Render Returns.

2 Every officer commanding a regiment, an independent troop,  
3 battery or company or a garrison, shall transmit through  
4 proper channels such returns at such periods as may be  
5 designated in regulations by the war department. Every  
6 officer whose duty it is to render a return of the troops

7 under his command or of the arms, ammunition, clothing,  
8 funds or other property thereunto belonging and who know-  
9 ingly makes a false return thereof shall be dismissed from  
10 the service and suffer such other punishment as a court-  
11 martial may direct and any officer who through neglect or  
12 design omits to render such return shall be punished as a  
13 court-martial may direct.

B. DESERTION; ABSENCE WITHOUT LEAVE.

Art. 58. Desertion: Any person subject to military law  
2 who deserts or attempts to desert the service of the state  
3 shall, if the offense be committed in time of war, suffer  
4 death or such other punishment as a court-martial may  
5 direct, and, if the offense be committed at any other time,  
6 any punishment, excepting death, that a court-martial may  
7 direct.

Art. 59. Advising or Aiding Another to Desert: Any  
2 person subject to military law who advises or persuades or  
3 knowingly assists another to desert the service of the state  
4 shall, if the offense be committed in time of war, suffer  
5 death, or such other punishment as a court-martial may  
6 direct, and, if the offense be committed at any other time,  
7 any punishment, excepting death, that a court-martial may  
8 direct.

Art. 60. Entertaining a Deserter: Any officer who, after  
2 having discovered that a soldier in his command is a deserter  
3 from the national guard or naval militia, retains such de-  
4 serter in his command without informing superior authority

5 or the commander of the organization to which the deserter  
6 belongs, shall be punished as a court-martial may direct.

Art. 61. Absence without Leave: Any person subject to  
2 military law who fails to repair at the fixed time to the prop-  
3 erly appointed place of duty, or goes from the same without  
4 proper leave, or absents himself from his command, guard,  
5 quarters, station, or camp without proper leave, shall be pun-  
6 ished as a court-martial may direct.

C. DISRESPECT; INSUBORDINATION; MUTINY.

Art. 62. Disrespect toward the President, Vice President,  
2 Congress, Secretary of War, Governors, Legislatures: Any  
3 officer who uses contemptuous or disrespectful words  
4 against the President, Vice President, the Congress of the  
5 United States, the secretary of war, or the governor or  
6 legislature of any state, territory, or other possession of the  
7 United States in which he is quartered shall be dismissed  
8 from the service or suffer such other punishment as a court-  
9 martial may direct. Any other person subject to military  
10 law who so offends shall be punished as a court-martial may  
11 direct.

Art. 63. Disrespect toward Superior Officers: Any per-  
2 son subject to military law who behaves himself with disre-  
3 spect toward his superior officer shall be punished as a court-  
4 martial may direct.

Art. 64. Assaulting or Wilfully disobeying Superior Offi-  
2 cers: Any person subject to military law who, on any pre-  
3 tense whatsoever, strikes his superior officer or draws or lifts

4 up any weapon or offers any violence against him, being in  
5 the execution of his office, or wilfully disobeys any lawful  
6 command of his superior officer, shall suffer death or such  
7 other punishment as a court-martial may direct.

Art. 65. Insubordinate conduct toward Non-commis-  
2 sioned Officer: Any soldier who strikes or assaults, or who  
3 attempts or threatens to strike or assault,\* or wilfully dis-  
4 obeys the lawful order of a non-commissioned officer while  
5 in the execution of his office, or uses threatening or insulting  
6 language, or behaves in an insubordinate or disrespectful  
7 manner toward a non-commissioned officer while in the  
8 execution of his office, shall be punished as a court-martial  
9 may direct.

Art. 66. Mutiny or Sedition: Any person subject to mili-  
2 tary law who attempts to create or who begins, excites,  
3 causes, or joins in any mutiny or sedition in any company,  
4 party, post, camp, detachment, guard, or other command  
5 shall suffer death or such other punishment as a court-  
6 martial may direct.

Art. 67. Failure to suppress Mutiny or Sedition: Any  
2 officer or soldier who, being present at any mutiny or se-  
3 dition, does not use his utmost endeavor to suppress the  
4 same, or knowing or having reason to believe that a mutiny  
5 or sedition is to take place, does not without delay give in-  
6 formation thereof to his commanding officer shall suffer  
7 death or such other punishment as a court-martial may  
8 direct.

Art. 68. Quarrels: Frays: Disorders: All officers and  
2 non-commissioned officers have power to part and quell all  
3 quarrels, frays, and disorders among persons subject to mili-  
4 tary law and to order officers who take part in the same into  
5 arrest, and other persons subject to military law who take  
6 part in the same into arrest or confinement, as circumstances  
7 may require, until their proper superior officer is acquainted  
8 therewith. And whosoever, being so ordered, refuses to  
9 obey such officer or non-commissioned officer or draws a  
10 weapon upon or otherwise threatens or does violence to him  
11 shall be punished as a court-martial may direct.

#### D. ARREST; CONFINEMENT.

Art. 69. Arrest or Confinement of Accused Persons: An  
2 officer charged with crime or with a serious offense under  
3 these articles shall be placed in arrest by the commanding  
4 officer, and in exceptional cases an officer so charged may  
5 be placed in confinement by the same authority. A soldier  
6 charged with crime or with a serious offense under these  
7 articles shall be placed in confinement, and when charged  
8 with a minor offense he may be placed in arrest. Any  
9 other person subject to military law charged with crime or  
10 with a serious offense under these articles shall be placed  
11 in confinement or in arrest, as circumstances may require;  
12 and when charged with a minor offense such person may  
13 be placed in arrest. Any person placed in arrest under the  
14 provisions of this article shall thereby be restricted to his  
15 barracks, quarters, or tent, unless such limits shall be en-

16 larged by proper authority. Any officer who breaks his  
17 arrest or who escapes from confinement before he is set  
18 at liberty by proper authority shall be dismissed from the  
19 service or suffer such other punishment as a court-martial  
20 may direct; and any other person subject to military law  
21 who escapes from confinement or who breaks his arrest  
22 before he is set at liberty by proper authority shall be pun-  
23 ished as a court-martial may direct.

Art. 70. Investigation of and Action upon Charges: No  
2 person put in arrest shall be continued in confinement more  
3 than eight days, or until such time as a court-martial can  
4 be assembled. When any person is put in arrest for the  
5 purpose of trial, except at remote military posts or stations,  
6 the officer by whose order he is arrested shall see that a  
7 copy of the charges on which he is to be tried is served  
8 upon him within eight days after his arrest, and that he  
9 is brought to trial within ten days thereafter, unless the  
10 necessities of the service prevent such trial; and then he  
11 shall be brought to trial within thirty days after the ex-  
12 piration of said ten days. If a copy of the charges be not  
13 served, or the arrested person be not brought to trial, as  
14 herein required, the arrest shall cease. But persons re-  
15 leased from arrest, under the provisions of this article, may  
16 be tried, whenever the exigencies of the service shall per-  
17 mit, within twelve months after such release from arrest:  
18 Provided, that in time of peace no person shall, against his  
19 objection, be brought to trial before a general court-martial



20 within a period of five days subsequent to the service of  
21 charges upon him.

Art. 71. Refusal to Receive and Keep Prisoners: No  
2 provost marshal or commander of a guard shall refuse to  
3 receive or keep any prisoner committed to his charge by  
4 an officer belonging to the forces of the state, provided the  
5 officer committing shall, at the time, deliver an account in  
6 writing, signed by himself, of the crime or offense charged  
7 against the prisoner. Any officer or soldier so refusing  
8 shall be punished as a court-martial may direct.

Art. 72. Report of Prisoner Received: Every com-  
2 mander of a guard to whose charge a prisoner is commit-  
3 ted shall, within 24 hours after such confinement, or as  
4 soon as he is relieved from his guard, report in writing to  
5 the commanding officer the name of such prisoner, the of-  
6 fense charged against him, and the name of the officer com-  
7 mitting him; and if he fails to make such report he shall  
8 be punished as a court-martial may direct.

Art. 73. Releasing Prisoner Without Proper Authority:  
2 Any person subject to military law who, without proper  
3 authority, releases any prisoner duly committed to his  
4 charge, or who, through neglect or design, suffers any pris-  
5 oner so committed to escape, shall be punished as a court-  
6 martial may direct.

Art. 74. Delivery of Offenders to Civil Authorities: When  
2 any person subject to military law, except one who is held  
3 by the military authorities to answer, or who is awaiting

4 trial or result of trial, or who is undergoing sentence for a  
5 crime or offense punishable under these articles, is accused  
6 of a crime or offense committed within the geographical  
7 limits of the state, and punishable by the laws of the land,  
8 the commanding officer is required, except in time of war,  
9 upon application duly made, to use his utmost endeavor to  
10 deliver over such accused person to the civil authorities, or  
11 to aid the officers of justice in apprehending and securing  
12 him, in order that he may be brought to trial. Any com-  
13 manding officer who upon such application refuses or wil-  
14 fully neglects, except in time of war, to deliver over such  
15 accused person to the civil authorities or to aid the officers  
16 of justice in apprehending and securing him shall be dis-  
17 missed from the service or suffer such other punishment as  
18 a court-martial may direct.

When under the provisions of this article delivery is made  
2 to the civil authorities of an offender undergoing sentence of  
3 a court-martial, such delivery, if followed by conviction,  
4 shall be held to interrupt the execution of the sentence of the  
5 court-martial, and the offender shall be returned to military  
6 custody, after having answered to the civil authorities for  
7 his offense, for the completion of the said court-martial sen-  
8 tence.

#### E. WAR OFFENSES.

Art. 75. Misbehavior before the Enemy: Any officer or  
2 soldier who misbehaves himself before the enemy, runs  
3 away, or shamefully abandons or delivers up any fort, post,

4 camp, guard, or other command which it is his duty to de-  
5 fend, or speaks words inducing others to do the like, or casts  
6 away his arms or ammunition, or quits his post or colors to  
7 plunder or pillage, or by any means whatsoever occasions  
8 false alarms in camp, garrison, or quarters, shall suffer death  
9 or such other punishment as a court-martial may direct.

Art. 76. Subordinates compelling Commander to surren-  
2 der: If any commander of any garrison, fort, post, camp,  
3 guard, or other command is compelled by the officers or  
4 soldiers under his command to give it up to the enemy or to  
5 abandon it, the officers or soldiers so offending shall suffer  
6 death or such other punishment as a court-martial may di-  
7 rect.

Art. 77. Improper use of Countersign: Any person sub-  
2 ject to military law who makes known the parole or counter-  
3 sign to any person not entitled to receive it according to the  
4 rules and discipline of war, or gives a parole or countersign  
5 different from that which he received, shall, if the offense be  
6 committed in time of war, suffer death or such other punish-  
7 ment as a court-martial may direct.

Art. 78. Forcing a Safeguard: Any person subject to  
2 military law who, in time of war, forces a safeguard shall  
3 suffer death or such other punishment as a court-martial may  
4 direct.

Art. 79. Captured property to be secured for Public Ser-  
2 vices: All public property taken from the enemy is the  
3 property of the state and shall be secured for the service of

4 the state and any person subject to military law who neglects  
5 to secure such property or is guilty of wrongful appropria-  
6 tion thereof shall be punished as a court-martial may direct.

Art. 80. Dealing in captured or abandoned Property:

2 Any person subject to military law who buys, sells, trades, or  
3 in any way deals in or disposes of captured or abandoned  
4 property, whereby he shall receive or expect any profit, ben-  
5 efit, or advantage to himself or to any other person directly  
6 or indirectly connected with himself, or who fails whenever  
7 such property comes into his possession or custody or within  
8 his control to give notice thereof to the proper authority and  
9 to turn over such property to the proper authority without  
10 delay, shall, on conviction thereof, be punished by fine or im-  
11 prisonment, or by such other punishment as a court-martial,  
12 military commission, or other military tribunal may adjudge,  
13 or by any or all of said penalties.

Art. 81. Relieving, Corresponding with, or Aiding the  
2 Enemy: Whosoever relieves the enemy with arms, am-  
3 munition, supplies, money, or other thing, or knowingly har-  
4 bors or protects or holds correspondence with or gives in-  
5 telligence to the enemy, either directly or indirectly, shall  
6 suffer death, or such other punishment as a court-martial or  
7 military commission may direct.

Art. 82. Spies: Any person who in time of war shall be  
2 found lurking or acting as a spy in or about any of the forti-  
3 fications, posts, quarters, or encampments of any of the  
4 armies of the state, or elsewhere, shall be tried by a general

5 court-martial or by a military commission, and shall, on  
6 conviction thereof, suffer death.

F. MISCELLANEOUS CRIMES AND OFFENSES.

Art. 83. Military Property—Wilful or negligent loss, dam-  
2 age, or wrongful disposition of: Any person subject to mili-  
3 tary law who wilfully or through neglect suffers to be lost,  
4 spoiled, damaged, or wrongfully disposed of, any military  
5 property belonging to the United States or the State of  
6 Maine shall make good the loss or damage and suffer such  
7 punishment as a court-martial may direct.

Art. 84. Waste or unlawful disposition of Military Prop-  
2 erty issued to Soldiers: Any soldier who sells or wrong-  
3 fully disposes of or wilfully or through neglect injures or  
4 loses any horse, arms, ammunition, accoutrements, equip-  
5 ment, clothing, or other property issued for use in the mili-  
6 tary service, shall be punished as a court-martial may direct.

Art. 85. Drunk on Duty: Any officer who is found  
2 drunk on duty shall, if the offense be committed in time  
3 of war, be dismissed from the service and suffer such other  
4 punishment as a court-martial may direct; and if the of-  
5 fense be committed in time of peace, he shall be punished as  
6 a court-martial may direct. Any person subject to military  
7 law, except an officer, who is found drunk on duty shall be  
8 punished as a court-martial may direct.

Art. 86. Misbehavior of Sentinel: Any sentinel who is  
2 found drunk or sleeping upon his post, or who leaves it be-  
3 fore he is regularly relieved, shall, if the offense be com-

mitted in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall suffer any punishment, except death, that a court-martial may direct.

Art. 87. Personal interest in sale of Provisions: Any officer commanding in any garrison, fort, barracks, camp, or other place where troops of the state may be serving who, for his private advantage, lays any duty or imposition upon or is interested in the sale of any victuals or other necessities of life brought into such garrison, fort, barracks, camp, or other place for the use of the troops, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

Art. 88. Intimidation of Persons bringing Provisions: Any person subject to military law who abuses, intimidates, does violence to, or wrongfully interferes with any person bringing provisions, supplies, or other necessities to the camp, garrison, or quarters of the forces of the state shall suffer such punishment as a court-martial may direct.

Art. 89. Good order to be maintained and wrongs redressed: All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or wilfully destroys any property whatsoever (unless by order of his commanding officer), or commits any kind of depredation or riot, shall be punished as a court-martial may direct. Any commanding offi-

9 cer who, upon complaint made to him, refuses or omits to  
10 see reparation made to the party injured, insofar as the of-  
11 fender's pay shall go toward such reparation, as provided  
12 for in article 105, shall be dismissed from the service or  
13 otherwise punished as a court-martial may direct.

Art. 90. Provoking speeches or gestures: No person sub-  
2 ject to military law shall use any reproachful or provoking  
3 speeches or gestures to another; and any person subject  
4 to military law who offends against the provisions of this  
5 article shall be punished as a court-martial may direct.

Art. 91. Dueling: Any person subject to military law  
2 who fights or promotes or is concerned in or connives at  
3 fighting a duel, or who having knowledge of a challenge  
4 sent or about to be sent fails to report the fact promptly to  
5 the proper authority, shall, if an officer, be dismissed from  
6 the service or suffer such other punishment as a court-  
7 martial may direct; and if any other person subject to mili-  
8 tary law shall suffer such punishment as a court-martial may  
9 direct.

Art. 92. Murder—Rape: Any person subject to mili-  
2 tary law who commits murder or rape shall suffer death  
3 or imprisonment for life, as a court-martial may direct;  
4 but no person shall be tried by court-martial for murder or  
5 rape committed within the geographical limits of the state  
6 in time of peace.

Art. 93. Various Crimes: Any person subject to military  
2 law who commits manslaughter, mayhem, arson, burglary,

3 robbery, larceny, embezzlement, perjury, assault with intent  
4 to commit any felony, or assault with intent to do bodily  
5 harm, shall be punished as a court-martial may direct.

Art. 94. Frauds against the Government: Any person  
2 subject to military law who makes or causes to be made  
3 any claim against the United States or State of Maine or  
4 any officer thereof, knowing such claim to be false or fraud-  
5 ulent; or

Who presents or causes to be presented to any person in  
2 the civil or military service thereof, for approval or pay-  
3 ment, any claim against the United States, State of Maine  
4 or any officer thereof, knowing such claim to be false or  
5 fraudulent; or

Who enters into any agreement or conspiracy to defraud  
2 the United States or State of Maine by obtaining, or aiding  
3 others to obtain, the allowance or payment of any false or  
4 fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to ob-  
2 tain, the approval, allowance, or payment of any claim  
3 against the United States, State of Maine or against any  
4 officer thereof, makes or uses, or procures, or advises the  
5 making or use of, any writing or other paper, knowing the  
6 same to contain any false or fraudulent statements; or

Who, for the purpose of obtaining, or aiding others to ob-  
2 tain, the approval, allowance, or payment of any claim  
3 against the United States, State of Maine or any officer  
4 thereof, makes, or procures, or advises the making of, any



5 oath to any fact or to any writing or other paper, know-  
6 ing such oath to be false; or

Who, for the purpose of obtaining, or aiding others to  
2 obtain, the approval, allowance, or payment of any claim  
3 against the United States, State of Maine or any officer  
4 thereof, forges or counterfeits, or procures, or advises the  
5 forging or counterfeiting of any signature upon any writ-  
6 ing or other paper, or uses, or procures, or advises the use  
7 of any such signature, knowing the same to be forged or  
8 counterfeited; or

Who, having charge, possession, custody, or control of  
2 any money or other property of the United States, or State  
3 of Maine furnished or intended for the military service  
4 thereof, knowingly delivers, or causes to be delivered, to  
5 any person having authority to receive the same, any amount  
6 thereof less than that for which he receives a certificate or  
7 receipt; or

Who, being authorized to make or deliver any paper cer-  
2 tifying the receipt of any property of the United States and  
3 State of Maine furnished or intended for the military ser-  
4 vice thereof, makes or delivers to any person such writing,  
5 without having full knowledge of the truth of the state-  
6 ments therein contained and with intent to defraud the  
7 United States or State of Maine; or

Who steals, embezzles, knowingly and wilfully misappro-  
2 priates, applies to his own use or benefit, or wrongfully or  
3 knowingly sells or disposes of any ordnance, arms, equip-

4 ments, ammunition, clothing, subsistence stores, money, or  
5 other property of the United States and State of Maine  
6 furnished or intended for the military service thereof; or

Who knowingly purchases or receives in pledge for any  
2 obligation or indebtedness from any soldier, officer, or oth-  
3 er person who is a part of or employed in said forces or  
4 service, any ordnance, arms, equipment, ammunition, cloth-  
5 ing, subsistence stores, or other property of the United  
6 States or State of Maine, such soldier, officer, or other per-  
7 son not having lawful right to sell or pledge the same;

Shall, on conviction thereof, be punished by fine or im-  
2 prisonment, or by such other punishment as a court-martial  
3 may adjudge, or by any or all of said penalties. And if any  
4 person, being guilty of any of the offenses aforesaid while  
5 in the military service of the United States or State of  
6 Maine, receives his discharge or is dismissed from the ser-  
7 vice, he shall continue to be liable to be arrested and held  
8 for trial and sentence by a court-martial in the same man-  
9 ner and to the same extent as if he had not received such  
10 discharge nor been dismissed.

Art. 95. Conduct unbecoming an Officer and Gentleman:  
2 Any officer who is convicted of conduct unbecoming an offi-  
3 cer and a gentleman shall be dismissed from the service.

Art. 96. General Article: Though not mentioned in these  
2 articles, all disorders and neglects to the prejudice of good  
3 order and military discipline, all conduct of a nature to  
4 bring discredit upon the military service, and all crimes or

5 offenses not capital, of which persons subject to military  
6 law may be guilty, shall be taken cognizance of by a gen-  
7 eral or special or summary court-martial, according to the  
8 nature and degree of the offense, and punished at the dis-  
9 cretion of such court.

#### IV. COURTS OF INQUIRY.

Art. 97. When and by whom Ordered: A court of in-  
2 quiry to examine into the nature of any transaction of or  
3 accusation or imputation against any officer or soldier may  
4 be ordered by the governor; but a court of inquiry shall not  
5 be ordered by the governor except upon the request of the  
6 officer or soldier whose conduct is to be inquired into.

Art. 98. Composition: A court of inquiry shall consist  
2 of three or more officers. For each court of inquiry the  
3 authority appointing the court shall appoint a recorder.

Art. 99. Challenges: Members of a court of inquiry may  
2 be challenged by the party whose conduct is to be inquired  
3 into, but only for cause stated to the court. The court shall  
4 determine the relevancy and validity of any challenge, and  
5 shall not receive a challenge to more than one member at a  
6 time. The party whose conduct is being inquired into shall  
7 have the right to be represented before the court by counsel  
8 of his own selection, if such counsel be reasonably available.

Art. 100. Oath of members and recorder: The recorder  
2 of a court of inquiry shall administer to the members the  
3 following oath: "You, A. B., do swear (or affirm) that

4 you will well and truly examine and inquire, according to the  
5 evidence, into the matter now before you, without partial-  
6 ity, favor, affection, prejudice, or hope of reward. So help  
7 you God." After which the president of the court shall ad-  
8 minister to the recorder the following oath: "You, A. B.,  
9 do swear (or affirm) that you will, according to your best  
10 abilities, accurately and impartially record the proceedings of  
11 the court and the evidence to be given in the case in hear-  
12 ing. So help you God."

In case of affirmation the closing sentence of adjuration  
2 will be omitted.

Art. 101. Powers; Procedure: A court of inquiry and  
2 the recorder thereof shall have the same power to summon  
3 and examine witnesses as is given to courts-martial and the  
4 judge advocate thereof. Such witnesses shall take the same  
5 oath or affirmation that is taken by witnesses before courts-  
6 martial. A reporter or an interpreter for a court of inquiry  
7 shall, before entering upon his duties, take the oath or af-  
8 firmation required of a reporter or an interpreter for a court-  
9 martial. The party whose conduct is being inquired into or  
10 his counsel, if any, shall be permitted to examine and cross-  
11 examine witnesses so as fully to investigate the circum-  
12 stances in question.

Art. 102. Opinion on merits of Case: A court of inquiry  
2 shall not give an opinion on the merits of the case inquired  
3 into unless specially ordered to do so.

Art. 103. Record of proceedings—How authenticated:

2 Each court of inquiry shall keep a record of its proceedings,  
3 which shall be authenticated by the signature of the presi-  
4 dent and the recorder thereof, and be forwarded to the con-  
5 vening authority. In case the record can not be authenti-  
6 cated by the recorder, by reason of his death, disability, or  
7 absence, it shall be signed by the president and by one other  
8 member of the court.

#### V. MISCELLANEOUS PROVISIONS.

Art. 104. Disciplinary powers of Commanding Officers:

2 Under such regulations as the governor may prescribe, and  
3 which he may from time to time revoke, alter, or add to,  
4 the commanding officer of any detachment, company, or  
5 higher command may, for minor offenses not denied by the  
6 accused, impose disciplinary punishments upon persons of  
7 his command without the intervention of a court-martial,  
8 unless the accused demands trial by court-martial.

The disciplinary punishments authorized by this article may  
2 include admonition, reprimand, withholding of privileges,  
3 extra fatigue, and restriction to certain specified limits, but  
4 shall not include forfeiture of pay or confinement under  
5 guard. A person punished under authority of this article  
6 who deems his punishment unjust or disproportionate to  
7 the offense may, through the proper channel, appeal to the  
8 next superior authority, but may in the meantime be required  
9 to undergo the punishment adjudged. The commanding of-  
10 ficer who imposes the punishment, his successor in com-

11 mand, and superior authority shall have power to mitigate  
12 or remit any unexecuted portion of the punishment. The  
13 imposition and enforcement of disciplinary punishment un-  
14 der authority of this article for any act or omission shall  
15 not be a bar to trial by court-martial for a crime or offense  
16 growing out of the same act or omission; but the fact that  
17 a disciplinary punishment has been enforced may be shown  
18 by the accused upon trial, and when so shown shall be con-  
19 sidered in determining the measure of punishment to be  
20 adjudged in the event of a finding of guilty.

Art. 105. Injuries to person or property—Redress of:  
2 Whenever complaint is made to any commanding officer  
3 that damage has been done to the property of any person  
4 or that his property has been wrongfully taken by persons  
5 subject to military law, such complaint shall be investigated  
6 by a board consisting of any number of officers from one  
7 to three, which board shall be convened by the command-  
8 ing officer and shall have, for the purpose of such investi-  
9 gation, power to summon witnesses and examine them upon  
10 oath or affirmation, to receive depositions or other docu-  
11 mentary evidence, and to assess the damages sustained  
12 against the responsible parties. The assessment of dam-  
13 ages made by such board shall be subject to the approval of  
14 the adjutant general and in the amount approved by him  
15 shall be stopped against the pay of the offenders. And the  
16 order of the adjutant general directing stoppages herein au-  
17 thorized shall be conclusive on any disbursing officer for

18 the payment by him to the injured parties of the stoppages  
19 so ordered.

Where the offenders can not be ascertained, but the organization or detachment to which they belong is known, stoppages to the amount of damages inflicted may be made and assessed in such proportion as may be deemed just upon the individual members thereof who are shown to have been present with such organization or detachment at the time the damages complained of were inflicted as determined by the approved findings of the board.

Art. 106. Arrest of deserters by Civil Officials: It shall be lawful for any civil officer having authority under the laws of the state to arrest offenders, summarily to arrest a deserter from the military service of the state and deliver him into the custody of the military authorities of the state.

Art. 108. Soldiers—Separation from the service: No enlisted man, lawfully inducted into the military service of the state, shall be discharged from said service without a certificate of discharge, signed by a field officer of the regiment or other organization to which the enlisted man belongs or by the commanding officer when no such field officer is present; and no enlisted man shall be discharged from said service before his term of service has expired, except by order of the adjutant general, or by sentence of a general court-martial.

Art. 109. Oath of Office: Commissioned officers of the national guard of the several states, territories and the Dis-

3 trict of Columbia now serving under commissions regularly  
4 issued shall continue in office, as officers of the national  
5 guard, without the issuance of new commissions: Provided,  
6 That said officers have taken, or shall take and subscribe to  
7 the following oath of office: "I, \_\_\_\_\_, do  
8 solemnly swear that I will support and defend the Consti-  
9 tution of the United States and the constitution of the State  
10 of Maine, against all enemies, foreign and domestic; that  
11 I will bear true faith and allegiance to the same; that I will  
12 obey the orders of the President of the United States and  
13 of the governor of the State of Maine; that I make this  
14 obligation freely, without any mental reservation or pur-  
15 pose of evasion, and that I will well and faithfully discharge  
16 the duties of the office of \_\_\_\_\_ in the national  
17 guard of the United States and of the State of Maine upon  
18 which I am about to enter, so help me God."

Art. 110. Certain articles to be read and explained: Ar-  
2 ticles 1, 2 and 29, 54 to 96, inclusive, and 104 to 108, inclu-  
3 sive, shall be read and explained to every soldier at the time  
4 of his enlistment or muster in, or within six days thereafter,  
5 and shall be read and explained once every six months to  
6 the soldiers of every garrison, regiment, or company in the  
7 service of the United States.

Art. 111. Copy of record of trial: Every person tried by  
2 a general court-martial shall, on demand therefor, made by  
3 himself or by any person in his behalf, be entitled to a copy  
4 of the record of the trial.



Art. 112. Effects of deceased Persons—Disposition of: In  
2 case of the death of any person subject to military law, the  
3 commanding officer of the place or command will permit  
4 the legal representative or widow of the deceased, if pres-  
5 ent, to take possession of all his effects then in camp or  
6 quarters, and if no legal representative or widow be pres-  
7 ent, the commanding officer shall direct a summary court  
8 to secure all such effects; and said summary court shall have  
9 authority to convert such effects into cash, by public or pri-  
10 vate sale, not earlier than thirty days after the death of the  
11 deceased, and to collect and receive any debts due decedent's  
12 estate by local debtors; and as soon as practicable after  
13 converting such effects into cash said summary court shall  
14 deposit with the proper officer, to be designated in regula-  
15 tions, any cash belonging to decedent's estate, and shall  
16 transmit a receipt for such deposit, accompanied by any  
17 will or other papers of value belonging to the deceased, an  
18 inventory of the effects secured by said summary court, and  
19 a full account of his transactions to the adjutant general;  
20 when the legal representative, or widow, shall present him-  
21 self or herself to take possession of decedent's estate, the  
22 said adjutant general shall turn over to him or her all effects  
23 not sold and cash belonging to said estate, together with an  
24 inventory and account.

Art. 113. Inquests: When at any post, fort, camp, or  
2 other place garrisoned by the military forces of the state  
3 and under the exclusive jurisdiction of the state, any per-

4 son shall have been found dead under circumstances which  
5 appear to require investigation, the commanding officer will  
6 designate and direct a summary court-martial to investigate  
7 the circumstances attending the death; and for this purpose  
8 such summary court-martial shall have power to summon  
9 witnesses and examine them upon oath or affirmation. He  
10 shall promptly transmit to the post or other commander a  
11 report of his investigation and of his findings as to the  
12 cause of the death.

Art. 114. Authority to administer Oaths: Any judge ad-  
2 vocate or acting judge advocate, the president of a general  
3 or special court-martial, any summary court-martial, the  
4 judge advocate or any assistant judge advocate of a gen-  
5 eral or special court-martial, the president or the recorder  
6 of a court of inquiry or of a military board, any officer des-  
7 ignated to take a deposition, any officer detailed to conduct  
8 an investigation, and the adjutant of any command shall  
9 have power to administer oaths for the purposes of the ad-  
10 ministration of military justice and for other purposes of  
11 military administration; and in foreign places where the na-  
12 tional guard of the State of Maine may be serving shall  
13 have the general powers of a notary public or of a consul  
14 of the state in the administration of oaths, the execution and  
15 acknowledgment of legal instruments, the attestation of doc-  
16 uments, and all other forms of notarial acts to be executed  
17 by persons subject to military law.

Art. 115. Appointment of Reporters and Interpreters:

2 Under such regulations as the governor may from time to  
3 time prescribe, the president of a court-martial or military  
4 commission, or a court of inquiry shall have power to ap-  
5 point a reporter, who shall record the proceedings of and  
6 testimony taken before such court or commission and may  
7 set down the same, in the first instance, in shorthand. Un-  
8 der like regulations the president of a court-martial or mili-  
9 tary commission, or court of inquiry, or a summary court,  
10 may appoint an interpreter, who shall interpret for the court  
11 or commission.

Art. 116. Powers of Assistant Judge Advocates: An as-  
2 sistant judge advocate of a general court-martial shall be  
3 competent to perform any duty devolved by law, regula-  
4 tion, or the custom of the service upon the judge advocate  
5 of the court.

Art. 118. Officers, separation from service: No officer  
2 shall be discharged or dismissed from the service except by  
3 order of the governor or by sentence of a general court-  
4 martial; and in time of peace no officer shall be dismissed  
5 except in pursuance of the sentence of a court-martial or  
6 in mitigation thereof; but the governor may at any time  
7 drop from the rolls of the national guard any officer who  
8 has been absent from duty three months without leave or  
9 who has been absent in confinement in a prison or peniten-  
10 tiary for three months after final conviction by a court of  
11 competent jurisdiction.

Art. 121. Complaints of Wrongs: Any officer or soldier

2 who believes himself wronged by his commanding officer,  
3 and, upon due application to such commander, is refused  
4 redress, may complain to the next higher in command where  
5 the officer against whom the complaint is made is stationed.  
6 This officer shall examine into said complaint and take prop-  
7 er measures for redressing the wrong complained of; and  
8 he shall, as soon as possible, transmit to the adjutant general  
9 a true statement of such complaint, with the proceedings  
10 had thereon.

Sect. 141. Authority to draft men for the National Guard:  
2 In order that the national guard of the state shall be estab-  
3 lished, organized and maintained in accordance with Fed-  
4 eral law and the provisions of this act, whenever an organ-  
5 ization of the national guard now existing or hereafter es-  
6 tablished shall be below the minimum strength required by  
7 law and regulations and such deficiencies shall continue for  
8 a period of more than thirty days, the governor is hereby  
9 authorized and empowered to draft from among the un-  
10 organized militia in the city or town in which such organ-  
11 ization is located a sufficient number to supply such deficien-  
12 cies, provided that the men so drafted shall not be less than  
13 eighteen or more than twenty-five years of age, shall be un-  
14 married and have no relatives dependent upon them and shall  
15 be available for the duty required.

Sect. 142. Men drafted under the provisions of the pre-  
2 ceding section shall be chosen by lot from those enrolled as  
3 prescribed in sections four and five of this act, under such

4 regulations as the governor may prescribe and the men so  
5 drafted shall be held to serve one enlistment period in the  
6 national guard under the same laws and regulations as gov-  
7 ern other members of the national guard.

Sect. 143. Any person drafted under the provisions of  
2 section one hundred and forty-one who neglects or refuses  
3 to respond thereto or who shall fail to render honest and  
4 faithful service in the national guard during the period pre-  
5 scribed shall be dealt with as provided in the rules and arti-  
6 cles for the government of the national guard.

Sect. 144. Chapter two hundred and six of the public  
2 laws of nineteen hundred and nine, chapters seven and  
3 eighty-one of the public laws of nineteen hundred and elev-  
4 en, chapters three and one hundred and fifty-one of the  
5 public laws of nineteen hundred and thirteen and chapter  
6 one hundred and forty-five of the public laws of nineteen  
7 hundred and fifteen and all amendments thereto as embodied  
8 in chapter fifteen of the Revised Statutes of Maine, nine-  
9 teen hundred and sixteen, are hereby repealed.

Sect. 145. This chapter shall be known as "The Military  
2 Law of the State of Maine."

Sect. 146. In view of the emergency cited in the preamble,  
2 this act shall take effect when approved.